



EUROPEAN PARLIAMENT

2009 - 2014

---

*Plenary sitting*

---

**A7-0098/2014**

10.2.2014

**\*\*\*I**

# **REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic  
management and air navigation services  
(COM(2013)0409 – C7-0169/2013 – 2013/0187(COD))

Committee on Transport and Tourism

Rapporteur: David-Maria Sassoli

### ***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.

## CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	24
PROCEDURE .....	27



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council  
amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic  
management and air navigation services  
(COM(2013)0409 – C7-0169/2013 – 2013/0187(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0409),
  - 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 (C7-0169/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Maltese House of Representatives, 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 11 December 2013<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A7-0098/2014),
1. Adopts its position at first reading hereinafter set out;
  2. 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;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

---

<sup>1</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a regulation

#### Recital 2

##### *Text proposed by the Commission*

(2) The development and implementation of the ATM master plan requires regulatory actions in a wide variety of aviation subjects. The Agency should, in supporting the Commission for drafting technical rules, adopt a balanced approach to regulating different activities based on their specificities, acceptable levels of safety and an identified risk hierarchy of users to ensure a comprehensive and co-ordinated development of aviation.

##### *Amendment*

(2) The development and implementation of the ATM master plan requires regulatory actions in a wide variety of aviation subjects. The Agency should, in supporting the Commission for drafting technical rules, adopt a balanced approach, ***avoiding conflicts of interest***, to regulating different activities based on their specificities, acceptable levels of safety, ***climate and environmental sustainability***, and an identified risk hierarchy of users to ensure a comprehensive and co-ordinated development of aviation.

## Amendment 2

### Proposal for a regulation

#### Recital 3 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(3a) Before adopting a delegated act, the Commission should consult the Agency and the experts from the voting States represented on the Management Board. It should take into account the opinion expressed by those consultative bodies and refrain from adopting a delegated act in cases where a majority of the experts and the Agency object.***

##### *Justification*

*This provision allows a stricter control of the delegation given by the European Parliament to*

*the Commission and gives guarantees on the technical acceptability of the Delegated acts taken.*

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) In order to facilitate the creation of a risk-based, proportional and sustainable regulatory framework further, the Commission should conduct a further analysis of the need to adapt Regulation (EC) No 216/2008 to new developments.***

*Justification*

*This measure will allow a better legislation process in case of review of the regulation.*

### **Amendment 4**

#### **Proposal for a regulation**

##### **Recital 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***(3c) The Agency, as the centrepiece of the Union's aviation system, should also play a leading role within the Union's external aviation strategy. In particular, with a view to attaining one of the objectives set out in Article 2 of Regulation (EC) No 216/2008, the Agency, in close cooperation with the Commission, should make a major contribution to export the Union's aviation standards and to promote the movement of the Union's aeronautical products, professionals and services throughout the world, in order to facilitate their access to new growing markets.***

*Justification*

*International role of the Agency needs to be reinforced.*

**Amendment 5**

**Proposal for a regulation**  
**Recital 3 d (new)**

*Text proposed by the Commission*

*Amendment*

***(3d) The grant of certificates and approvals and the provision of other services play an essential role in the provision of services by the Agency to the industry, and as such should contribute to the competitiveness of the Union's aeronautical sector. The Agency should be in a position to respond to market demand, which may fluctuate. Consequently, the number of staff financed by revenue derived from fees or charges should be adaptable and should not be fixed in the establishment plan.***

*Justification*

*There is a need that the Agency maintains a real flexibility regarding the management of staff working for its activity strongly linked to market demands.*

**Amendment 6**

**Proposal for a regulation**  
**Recital 3 e (new)**

*Text proposed by the Commission*

*Amendment*

***(3e) This Regulation aims to fulfil the requirement laid down in Article 65a of Regulation (EC) No 216/2008 by removing the overlaps between Regulation (EC) No 549/2004 and Regulation (EC) No 216/2008, adapting the former to the latter and ensuring a clear allocation of tasks between the Commission, the Agency and Eurocontrol, so that the Commission***



*focuses on economic and technical regulation, the Agency acts as its agent on technical regulation drafting and oversight, and Eurocontrol focuses on operational tasks, in particular those relating to the network manager concept pursuant to Regulation (EC) No 550/2004, in which a common en route charging scheme for air navigation services, including oversight, was established to achieve greater transparency and cost-efficiency for the benefit of airspace users. Within that context, and with the aim of diminishing the overall costs of ATM/ANS oversight activities, it is also necessary to amend the current en route charging scheme in such a way as to cover the Agency's ATM/ANS oversight competences appropriately. Such an amendment will ensure that the Agency has the resources it needs to carry out the safety oversight tasks assigned to it by the Union's total system approach in aviation safety, 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.*

#### *Justification*

*The principle of adequate financial resources for the new role of the Agency in the safety oversight tasks regarding ATM/ANS should be clearly mentioned.*

#### **Amendment 7**

##### **Proposal for a regulation Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) In order to ensure the interoperability of technologies used across the world, the Commission and Agency should encourage an internationally coordinated approach***

*concerning the standardisation efforts of  
the International Civil Aviation  
Organization.*

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 6**

*Text proposed by the Commission*

**(6) *Certain principles regarding the governance and operation*** of the Agency should be adapted to the Common Approach on EU decentralised agencies endorsed by the European Parliament, the Council and the Commission in July 2012

*Amendment*

**(6) *On the basis of a case-by-case analysis, and taking into account the specific nature*** of the Agency, ***certain principles regarding its governance and operation*** should be adapted to the Common Approach on EU decentralised agencies endorsed by the European Parliament, the Council and the Commission in July 2012. ***In particular, the composition of the Executive Board should take into account the importance of aviation in the different Member States and ensure an adequate representation of the expertise required.***

#### *Justification*

*Through its current size, missions and role as a masterpiece in the aviation safety system in Europe, the Agency has a unique specificity. The principle of the case by case analysis allows, not to always follow all the adaptations recommended in the Common approach. This agreement, between the European Parliament, the Council of the EU and the European Commission, states that specificities of each Agency should be taken into account when reforming the governance and the functioning of these bodies.*

## **Amendment 9**

### **Proposal for a regulation**

#### **Article 1 – point 2 – point a**

Directive (EC) No 216/2008

Article 2 – paragraph 2 – point h

*Text proposed by the Commission*

(h) to regulate civil aviation in a way that

*Amendment*

(h) to regulate civil aviation in a way that

best promotes *its* development, performance, interoperability and *safety* in a manner proportionate to the nature of each particular activity.

best promotes *safety, sustainable* development, performance, interoperability, *climate protection, environmental friendliness* and *energy saving*, in a manner proportionate to the nature of each particular activity.

### *Justification*

*Safety in aviation should remain the priority mission of the Agency, even if it is acknowledged that it is responsible for additional missions. For this reason, "safety" should be placed first in the list of items mentioned.*

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 1 – point 17 – point f**

Regulation (EC) No 216/2008

Article 14 – paragraph 7 – subparagraph 2

#### *Text proposed by the Commission*

(f) in paragraph 7, the following subparagraph is ***added at the end***:

#### *Amendment*

(f) in paragraph 7, the ***second*** subparagraph is ***replaced by the*** following:

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008R0216:20130129:EN:HTML>)

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 1 – point 18**

Regulation (EC) No 216/2008

Article 15 – paragraph 3

#### *Text proposed by the Commission*

'3. The national aviation authorities shall, in accordance with their national legislation, take necessary measures to ensure appropriate confidentiality of the information received by them pursuant to paragraph 1.'

#### *Amendment*

'3. The national aviation authorities shall, in accordance with ***Union law and*** their national legislation, take necessary measures to ensure appropriate confidentiality of the information received by them pursuant to paragraph 1.'

## Amendment 12

### Proposal for a regulation

#### Article 1 – point 20 – point b

Regulation (EC) No 216/2008

Article 17 – paragraph 2 – introductory part

#### *Text proposed by the Commission*

“For the purposes of ensuring the proper functioning and development of civil aviation, the Agency shall:

#### *Amendment*

“For the purposes of ensuring the proper functioning and development of civil aviation, ***in particular safety***, the Agency shall:

#### *Justification*

*Even with the modifications and the new tasks added, safety shall remain the main mission of the Agency. This should be underlined.*

## Amendment 13

### Proposal for a regulation

#### Article 1 – point 20 – point c a (new)

Regulation (EC) No 216/2008

Article 17 – paragraph 2 g (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(ca) in paragraph 2, the following point (g) is added:***

***"(g) in accordance with Article 2, to promote Union aviation standards and rules at international level by establishing the appropriate cooperation with third countries and international organisations, and thereby to promote the movement of the Union's aeronautical products, professionals and services with a view to facilitating their access to new growing markets worldwide."***

### *Justification*

*The international role of the Agency is essential and shall be reinforced.*

#### **Amendment 14**

##### **Proposal for a regulation**

##### **Article 1 – point 21**

Regulation (EC) No 216/2008

Article 19 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

These documents shall reflect the state of the art and the best practices in the fields concerned and be updated taking into account worldwide aviation experience, **and** scientific and technical progress.

##### *Amendment*

These documents shall reflect the state of the art and the best practices in the fields concerned and be updated taking into account worldwide aviation experience, scientific and technical progress **and the ATM master plan**.

#### **Amendment 15**

##### **Proposal for a regulation**

##### **Article 1 – point 29 – point b**

Regulation (EC) No 216/2008

Article 33 – paragraph 2 – point c

##### *Text proposed by the Commission*

(c) before 30 November each year, and after receiving the opinion of the Commission, adopt the Agency's annual and multi-annual work programme for the coming year(s); these work programmes shall be adopted without prejudice to the annual **Community** budgetary procedure and the **Community** legislative programme in relevant areas of aviation safety; the opinion of the Commission shall be attached to the work programmes;

##### *Amendment*

(c) before 30 November each year, and after receiving the opinion of the Commission, adopt the Agency's annual and multi-annual work programme for the coming year(s); these work programmes shall be adopted without prejudice to the **Union's** annual budgetary procedure and the **Union's** legislative programme in relevant areas of aviation safety; the opinion of the Commission shall be attached to the work programmes;

### *Justification*

*The official legal name of the Institutions has to be used.*

## Amendment 16

### Proposal for a regulation

#### Article 1 – point 29 – point e

Regulation (EC) No 216/2008

Article 33 – paragraph 6 – subparagraph 2

#### *Text proposed by the Commission*

Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

#### *Amendment*

Where exceptional circumstances so require, the Management Board may by way of a decision ***taken by an absolute majority of its members*** temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

#### *Justification*

*The decision to suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by him, has serious consequences on the functioning of the Agency. Consequently, it requires that more than half of the members of the Management Board agree on it.*

## Amendment 17

### Proposal for a regulation

#### Article 1 – point 31 – indent 1

Regulation (EC) No 216/2008

Article 37 – paragraph 1

#### *Text proposed by the Commission*

– the words "two-thirds majority" are replaced by "***simple*** majority".

#### *Amendment*

– the words "two-thirds majority" are replaced by "***absolute*** majority".

#### *Justification*

*In line with the Common Approach, point 13*

## Amendment 18

### Proposal for a regulation

#### Article 1 – point 32

Regulation (EC) No 216/2008

Article 37 a (new)

#### *Text proposed by the Commission*

##### "Article 37 a

##### Executive Board

1. The Management Board shall be assisted by an Executive Board.

2. The Executive Board shall:

(a) prepare decisions to be adopted by the Management Board

(b) ensure, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);

(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 38, assist and advise him/her in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.

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***

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board

#### *Amendment*

##### "Article 37 a

##### Executive Board

1. The Management Board shall be assisted by an Executive Board

2. The Executive Board shall:

(a) prepare decisions to be adopted by the Management Board

(b) ensure, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);

(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 38, assist and advise him/her in the ***implementation*** of ~~the~~ decisions of the Management Board with a view to reinforcing supervision of ***administrative and budgetary management***.

3. When necessary, because of urgency, ***the Executive Board may provisionally take decisions on the suspension of the delegation of the appointing authority powers and on budgetary matters. Those decisions shall be taken by a majority of five out of seven members of the Executive Board. They shall be referred, without delay, to the closest following meeting of the Management Board. The Management Board may revoke them by a vote taken by absolute majority.***

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board,

*and three 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.

**5. *The term of office of members of the Executive Board shall be the same as that of members of the Management Board.***

The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

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.

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

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

**5. *The term of office of the Chairperson of the Executive Board shall be the same as his/ her term of office as the Chairperson of the Management Board. The term of office of the representative of the Commission shall be the same as his/her term of office on the Management Board.*** The term of office of *the* Members of the Executive Board shall end when their membership of the Management Board ends.

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 ***or of the Executive Director.***

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

*Justification*

*It is important to ensure openness and transparency for every Member State when decisions are taken at the EASA Management Board. All Member States have delegated tasks to the Agency in order to fulfil their obligations as signatories to the Chicago Convention and they need to be able to assure themselves that these ICAO obligations are being met effectively and efficiently. Such assurance would be difficult to achieve through an elected Executive Board.*

**Amendment 19**

**Proposal for a regulation**

**Article 1 – point 35**

Regulation (EC) No 216/2008

Article 39a – 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*** make a statement before the competent committee of the European Parliament and answer questions put by its members.

*Justification*

*Taking into consideration the role of the European Parliament as co-Legislator and as Budgetary Authority such statement and exchange of views with the competent committee need to take place.*

**Amendment 20**

**Proposal for a regulation**

**Article 1 – point 35**

Regulation (EC) No 216/2008

Article 39 a – 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. ***Midway through*** that period, the Commission shall ***draw up a report evaluating*** the Executive Director's performance and the Agency's future tasks and challenges. ***The Commission shall present that evaluation report to the competent committee of the European Parliament.***

**Amendment 21**

**Proposal for a regulation**

**Article 1 – point 35**

Regulation (EC) No 216/2008

Article 39a – paragraph 5

*Text proposed by the Commission*

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office.

*Amendment*

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office.

Within one month before any such extension, the Executive Director *may be invited to* make a statement before the competent committee of the Parliament and answer questions put by its members.

Within one month before any such extension, the Executive Director *shall* make a statement before the competent committee of the Parliament and answer questions put by its members.

*Justification*

*Taking into consideration the role of the European Parliament as co-Legislator and as Budgetary Authority such statement and exchange of views with the competent committee need to take place.*

**Amendment 22**

**Proposal for a regulation**

**Article 1 – point 35**

Regulation (EC) No 216/2008

Article 39b – paragraph 1

*Text proposed by the Commission*

1. One *or more* Deputy Executive Director(s) *may* assist the Executive Director.

*Amendment*

1. One Deputy Executive *Director shall* assist the Executive Director.

*Justification*

*The organisation of the Agency does not justify an unlimited number of Deputy Executive Directors.*

**Amendment 23**

**Proposal for a regulation**

**Article 1 – point 41**

Regulation (EC) No 216/2008

Article 59 – paragraph 1 – point f

*Text proposed by the Commission*

(f) charges *paid in accordance with Article 13 of Regulation (EC) No [SES Regulation] for* relevant ATM/ANS *authority* tasks.

*Amendment*

(f) charges *under* Regulation (EU) No *391/2013* relevant *for* ATM/ANS *oversight* tasks *carried out by the Agency*.

## **Amendment 24**

### **Proposal for a regulation**

#### **Article 1 – point 41**

Regulation (EC) No 216/2008

Article 59 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(fa) grants.**

#### *Justification*

*This will allow the Agency to receive grants in compliance with Article 7 of the new Framework Financial Regulation. These grants constitute an indispensable part of the Agency's budget, allowing it to perform various aviation safety related projects, mainly with third countries.*

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 1 – point 41 a (new)**

Regulation (EC) No 216/2008

Article 61 a (new)

*Text proposed by the Commission*

*Amendment*

**(41b) The following Article 61a is inserted:**

**"Article 61a**

**Conflicts of interest**

**1. The Executive Director and officials seconded by Member States and the Commission on a temporary basis shall make a declaration of commitments and a declaration of interests indicating the absence of any direct or indirect interests, which might be considered prejudicial to their independence. Those declarations shall be made in writing on their entry into service and shall be renewed in the event of a change in their personal circumstances. Members of the Management Board, the Executive Board and the Board of Appeal shall also make**

*those declarations which shall be public together with their curricula vitae. The Agency shall publish on its website a list of its the members of the bodies described in Article 42 and external and in-house experts.*

*2. The Management Board shall implement a policy to manage and avoid conflicts of interest, which shall include at least :*

*(a) principles for managing and verification of the declarations of interest including rules for making them public taking into consideration Article 77;*

*(b) compulsory training requirements regarding conflicts of interest for the staff of the Agency and seconded national experts;*

*(c) rules on gifts and invitations;*

*(d) detailed rules for incompatibilities for staff and members of the Agency once they have ended their employment relation with the Agency;*

*(e) rules of transparency on Agency's decisions including the minutes of the Boards of the Agency which shall be made public taking into consideration sensitive, classified and commercial information; and*

*(f) penalties and other mechanisms by which to safeguard the autonomy and independency of the Agency.*

*The Agency shall take into consideration the need to maintain balance between the risks and the benefits, in particular as regards the objective of obtaining the best technical advice and expertise, and the management of conflicts of interest. The Executive Director shall include the information related to implementation of that policy when reporting to the European Parliament and the Council in accordance with this Regulation."*

### *Justification*

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

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 1 – point 43 – point d a (new)**

Regulation (EC) No 216/2008

Article 64 – paragraph 6 (new)

*Text proposed by the Commission*

*Amendment*

***(da) The following paragraph 6 is added:***

***"6. The number of staff financed from revenue derived from fees and charges shall be allowed to fluctuate in line with market demand for certificates, approvals and other services."***

### *Justification*

*There is a need that the Agency maintains a real flexibility regarding the management of staff working for the activity strongly linked to market demands.*

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 1 – point 46**

Regulation (EC) No 216/2008

Article 65b – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The delegation of power referred to in Article 5(5), Article 6(2), Article 6(3), Article 7(6), Article 8(5), Article 8a(5), Article 8b(6), Article 8c(10), Article 9(4), Article 10(5), Article 14(3), Article 14(7), Article 25(3) and Article 64(1) shall be conferred on the Commission for ***an indeterminate period of time***.

2. The delegation of power referred to in Article 5(5), Article 6(2), Article 6(3), Article 7(6), Article 8(5), Article 8a(5), Article 8b(6), Article 8c(10), Article 9(4), Article 10(5), Article 14(3), Article 14(7), Article 25(3) and Article 64(1) shall be conferred on the Commission for ***a period of five years from the date of entry into force of this Regulation. The Commission***

*shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

*Justification*

*This provision allows a stricter control of the delegation given by the European Parliament to the Commission.*

**Amendment 28**

**Proposal for a regulation**

**Article 1 – point 46 a (new)**

Regulation (EC) No 216/2008

Article 65d (new)

*Text proposed by the Commission*

*Amendment*

*(46a) The following Article 65d is inserted:*

*"Article 65d*

*Commission report*

*In accordance with the Treaty on the Functioning of the European Union, the Commission shall review the application of this Regulation and report to the European Parliament and to the Council by 31 December 2015 with a view to further developments in regard to constructing a risk-based, proportional and sustainable safety framework."*

*Justification*

*This measure allows a better quality legislation process.*

**Amendment 29**

**Proposal for a regulation**

**Article 1 – point 49**

Regulation (EC) No 216/2008

Annex V – 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 investigations, in particular from persons or groups of persons affected by the results of the certification or oversight tasks.

*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, in particular of a financial type, which could affect ***their decisions*** or the results of their investigations, in particular from persons or groups of persons affected by the results of the certification or oversight tasks.

## EXPLANATORY STATEMENT

The regulation (amending Regulation (EC) No 216/2008) concerning aerodromes, air traffic management and air navigation services is part of the Single European Sky package (SES) and addresses the issue of air safety and the powers of the European Aviation Safety Agency (EASA).

It is a very important regulation for two reasons: on the one hand, because it adapts to the new Single European Sky rules, and on the other, because of its governance reform, the aim of which is to implement the interinstitutional agreement on the European Agencies signed in July 2012.

Under this agreement, the Commission, European Parliament and European Council reached an agreement on a common approach to the EU Agencies. It is an agreement which, though not legally binding, is based on a 'case-by-case' approach and makes progress on numerous issues (establishment of the Agencies, choice of headquarters, governance, operation, use of resources and control mechanisms).

The key aim of this regulation is to establish and maintain a high and uniform level of civil aviation safety in Europe and establish the structure (governance) of the European Union Agency for Aviation.

The regulation applies, pursuant to Article 1, to the design, production, maintenance and operation of aeronautical products and to personnel and organisations involved in design and maintenance, to personnel involved in the operation of aircraft, to the design and maintenance of airports and the relevant personnel, and lastly, to the ATM/ANS air traffic management and air navigation services (air traffic services, aviation meteorological services, aviation information services, communication, navigation and surveillance services).

The text can be divided into two parts:

- the first, technical, part sets out a whole range of definitions, principles, rules and categories of organisations responsible for air safety, in order to lay down European safety criteria and standards.
- the second part, devoted to the European Aviation Safety Agency (EASA), lays down rules relating to the governance of the Agency and its powers.

With regard to the first part, your rapporteur is of the view that the issue of safety can be improved by maintaining high safety monitoring levels regarding certifications of constituents, aircraft and technical parts, and the training of pilots and flight crews.

It is important that these certificates continue to be issued by qualified bodies and that there is increasingly close cooperation between the Commission, the European Aviation Safety Agency and the national aviation authorities in order to coordinate such matters in the best possible way.



The Member States also have a leading role to play in this regard, and can take immediate action when a safety issue concerning any of the aspects subject to this regulation (product, person or organisation) becomes apparent.

As regards ATM/ANS air traffic management and air navigation services, your rapporteur agrees with the Commission that a requirement may be laid down concerning certification in respect of organisations engaged in the design, manufacture and maintenance of ATM/ANS systems and constituents upon which safety depends.

The second part of the regulation, meanwhile, lays down rules relating to the governance of the EASA – the organisation which monitors the aviation sector in the European Union.

Civil aviation in Europe is still very piecemeal. In establishing this Agency (on 15 July 2002) the EU Member States aimed to promote a uniform European legislative model by laying down common standards on air safety certification and rules.

The Agency, given its tasks and the impact they have on the Member States, is one of the largest EU agencies and has the most complex technical responsibilities.

The Commission has sought to identify and distinguish between the powers of the EASA and Eurocontrol, establishing that the EASA should focus on the drafting and oversight of technical rules, the Commission on economic regulation, while Eurocontrol should focus on operational tasks.

However, the strengthening of the Agency's powers and effectiveness should not be to the detriment of safety in the aviation sector, which should remain the Agency's primary task.

Moreover, in the above-mentioned agreement, the Commission proposes changing the name of the Agency from the EASA (European Aviation Safety Agency) to the Agency for Aviation.

Your rapporteur considers it important for the 'safety' aspect to remain firmly anchored to the role and name of the Agency. For that reason he urges the Commission to refrain from deleting the word 'safety' from the name of the Agency, since up to now this has been one of its identifying features.

Lastly, it is important to understand what role the Agency should have on the international scene. Clearly, granting the Agency full powers over aviation means that some thought should be given to the international role of the Agency.

At present, the Agency has bilateral relations with some important countries in the world (Canada, Singapore, Israel), consisting of exchanges of information (for instance, with regard to world airline blacklists) and of good practice.

Your rapporteur believes it is important to continue along this route, with a view to ever increasing air safety and the maintenance of effective international relations in the aviation sector.

Indeed, your rapporteur is of the view that the enhancement of the EASA's role could help to create a competent body that is recognised worldwide.

It will be important, however, to ensure that the new powers to be included among the Agency's tasks do not involve an increase in its budget, because this would call into question and re-open a whole range of issues related to the budget of the European Agencies.

It will thus be important to find, wherever necessary, a set of external tools that can be used to help increase the Agency's budget to enable it to be up to the task of implementing its new powers.

Your rapporteur's view, after having listened to the main stakeholders of European aviation and many of those affected by this regulation, is that the part of the regulation that concerns safety should not be amended, as all stakeholders have provided sufficient guarantees as to the effectiveness of the proposed rules.

Your rapporteur has a different opinion, however, on the role of the Agency.

The true challenge of the regulation is to identify the role of the new Agency and understand what future direction it should take.

Your rapporteur has thus identified a number of points, particularly regarding the role of the Executive Director of the Agency, and the Executive Board, with a view to complying with the new interinstitutional agreement on the Agencies and ensuring that Parliament has an important role in monitoring the work of the Agency.

It is also important to find the right wording as regards the structure of the Executive Board of the Agency, so that no country can be put at an advantage/disadvantage compared to others and that all Member States are represented.

Your rapporteur is aware that this is an important opportunity for Parliament to decide what international role to give to the Agency with regard to a redistribution of powers in European and worldwide aviation.

As far as delegated acts are concerned, your rapporteur agrees with the implementation of such acts, which chiefly concern non-essential technical aspects that require regular updating in order to keep up with international technical developments.

## PROCEDURE

<b>Title</b>	Amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services
<b>References</b>	COM(2013)0409 – C7-0169/2013 – 2013/0187(COD)
<b>Date submitted to Parliament</b>	11.6.2013
<b>Committee responsible</b> Date announced in plenary	TRAN 1.7.2013
<b>Rapporteur(s)</b> Date appointed	David-Maria Sassoli 10.7.2013
<b>Discussed in committee</b>	14.11.2013      20.1.2014
<b>Date adopted</b>	30.1.2014
<b>Result of final vote</b>	+:                    28 –:                    1 0:                    0
<b>Members present for the final vote</b>	Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Saïd El Khadraoui, Knut Fleckenstein, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Dominique Riquet, David-Maria Sassoli, Olga Sehnalová, Brian Simpson, Artur Zasada
<b>Substitute(s) present for the final vote</b>	Phil Bennion, Spyros Danellis, Michel Dantin, Rosa Estaràs Ferragut, Michael Gahler, Bernadette Vergnaud, Janusz Władysław Zemke
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Charalampos Angourakis, Jens Geier
<b>Date tabled</b>	10.2.2014