

Civil aviation: common rules and creation of the European Aviation Safety Agency (EASA)

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Thanks to the creation of a single European sky air traffic in Europe is growing rapidly. Over the past fifteen years it has more than doubled. The establishment of the internal market in air transport has contributed in large part to the speeding up of this trend and helps account for the 12% of intra-Community traffic in low-cost airlines. Whilst flying remains one of the safest means of transport thanks to the constant efforts of the aviation industry, it is essential that these standards are maintained and even improved upon. It is now time to put an end to an anomaly whereby aircraft can enjoy complete freedom within a unified market in spite of safety standards varying between the Member States. The purpose of this Report is to address this anomaly. It acts as an accompanying paper to the Commission's proposal to broaden the scope of the European Aviation Safety Agency (EASA).

The EASA was set up in 2002 by Regulation 1592/02. At the time of its adoption, the EU was granted exclusive responsibility for the airworthiness and environmental compatibility of aeronautical products but it was clearly understood that optimum and uniform safety standards and the establishment of fair competition for air operators could only be achieved by extending the scope of the text to include air operations and flight crews licensing. Indeed, the Council, the European Parliament and the Regulation itself gave the Commission the mandate to examine ways in which to extend this mandate and to prepare, if necessary, a proposal to that effect. That is the purpose of the proposed Regulation forwarded to the European Parliament and the Council together with this communication. In essence the proposal states that the common rules applicable to air traffic and hence the tasks of the Agency should be extended to include air operations, pilots' licenses and, within the limits of the Chicago Convention, the safety of third-country aircraft. As a result, from 2007 onwards, virtually all the rules drawn up at present by the JAA should be incorporated into Community law and implemented uniformly throughout the Community.

The need for extending the Agency's scope has to be examined within the context of the current methods for establishing safety standards. At present standards are prepared and developed by inter-governmental organisations. The aviation rules and standards prepared are non-binding and have no regulatory powers. In widening the Agency's scope the EU will be able to access regulatory control over safety standards and thereby ensure their synchronisation and implementation in a harmonised manner.

To guarantee European citizens a high and uniform level of protection in civil aviation and the environmental compatibility of aeronautical products, facilitate the free movement of persons, services and goods and improve upon the efficiency of the rules, the entire European aviation system should ultimately be covered by common rules implemented uniformly. In this context, the EASA which will prepare, implement and monitor the application of these rules, is set to become by 2010 the European authority with extended powers covering all aspects of civil aviation safety. The European Commission has launched an impact study to examine the case for regulatory work in the field of air traffic management, the provision of air navigation services and the safety of airport operations. The conclusion of the study will form the basis for a proposal for a Regulation to be forwarded to the European Parliament and the Council before the end of 2006.

In conclusion, the Report argues that to maintain and, if possible reinforce the pan-European consistency of the civil aviation safety rules, the EASA system will be extended to cover all European third countries through specific agreements concluded between the Community and the Countries concerned. Extending

the responsibility of the Agency, achieving the single sky and concluding air service agreements with third countries, will guarantee that European aviation policy has a coherent framework comparable to that of the United States.