

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2000/0069(COD) Procedure completed
Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)	
Subject 3.20.01 Air transport and air freight	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	TRAN Transport and Tourism		16/03/2006	
		PSE STOCKMANN Ulrich		
	Former committee responsible			
	RETT Regional Policy, Transport and Tourism		19/04/2000	
		PSE SIMPSON Brian		
	RETT Regional Policy, Transport and Tourism		19/04/2000	
	PSE SIMPSON Brian			
Former committee for opinion				
	JURI Legal Affairs and Internal Market			
	JURI Legal Affairs and Internal Market		25/05/2000	
		TDI SPERONI Francesco Enrico		
Council of the European Union	Council configuration	Meeting	Date	
	Environment	2757	23/10/2006	
	Environment	2713	09/03/2006	
	Transport, Telecommunications and Energy	2671	27/06/2005	
	Transport, Telecommunications and Energy	2589	10/06/2004	
	Transport, Telecommunications and Energy	2324	20/12/2000	
European Commission	Commission DG	Commissioner		
	Energy and Transport	BARROT Jacques		

Key events			
24/03/2000	Legislative proposal published	COM(2000)0121	Summary
10/04/2000	Committee referral announced in Parliament, 1st reading		

05/12/2000	Vote in committee, 1st reading		Summary
05/12/2000	Committee report tabled for plenary, 1st reading	A5-0393/2000	
20/12/2000	Debate in Council	2324	
17/01/2001	Debate in Parliament		
18/01/2001	Decision by Parliament, 1st reading	T5-0028/2001	Summary
04/02/2002	Amended legislative proposal for reconsultation published	COM(2002)0030	Summary
04/04/2002	Formal reconsultation of Parliament		
10/07/2002	Vote in committee, 1st reading		Summary
10/07/2002	Committee report tabled for plenary, reconsultation	A5-0263/2002	
03/09/2002	Decision by Parliament, 1st reading	T5-0384/2002	Summary
10/02/2004	Modified legislative proposal published	COM(2004)0073	Summary
10/06/2004	Debate in Council	2589	Summary
27/06/2005	Debate in Council	2671	Summary
09/03/2006	Council position published	13376/1/2005	Summary
16/03/2006	Committee referral announced in Parliament, 2nd reading		
01/06/2006	Vote in committee, 2nd reading		Summary
15/06/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0212/2006	
04/07/2006	Debate in Parliament		
05/07/2006	Results of vote in Parliament		
05/07/2006	Decision by Parliament, 2nd reading	T6-0299/2006	Summary
23/10/2006	Act approved by Council, 2nd reading		
12/12/2006	Final act signed		
12/12/2006	End of procedure in Parliament		
27/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2000/0069(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal	COM(2000)0121 OJ C 311 31.10.2000, p. 0013 E	24/03/2000	EC	Summary
Economic and Social Committee: opinion, report	CES1208/2000 OJ C 014 16.01.2001, p. 0033	19/10/2000	ESC	
Committee report tabled for plenary, 1st reading/single reading	A5-0393/2000	05/12/2000	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0028/2001 OJ C 262 18.09.2001, p. 0176-0224	18/01/2001	EP	Summary
Amended legislative proposal for reconsultation	COM(2002)0030 OJ C 227 24.09.2002, p. 0001 E	04/02/2002	EC	Summary
Committee final report tabled for plenary, reconsultation	A5-0263/2002	10/07/2002	EP	
Text adopted by Parliament after reconsultation	T5-0384/2002 OJ C 272 13.11.2003, p. 0028-0103 E	03/09/2002	EP	Summary
Modified legislative proposal	COM(2004)0073	10/02/2004	EC	Summary
Council statement on its position	05918/2006	16/02/2006	CSL	
Council position	13376/1/2005 OJ C 179 01.08.2006, p. 0001-0177 E	09/03/2006	CSL	Summary
Commission communication on Council's position	COM(2006)0128	14/03/2006	EC	Summary
Amendments tabled in committee	PE374.145	15/05/2006	EP	
Committee recommendation tabled for plenary, 2nd reading	A6-0212/2006	15/06/2006	EP	
Text adopted by Parliament, 2nd reading	T6-0299/2006	05/07/2006	EP	Summary
Commission response to text adopted in plenary	SP(2006)3801	28/08/2006	EC	
Commission opinion on Parliament's position at 2nd reading	COM(2006)0591	10/10/2006	EC	Summary
Draft final act	03632/1/2006	12/12/2006	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2006/1899](#)
[OJ L 377 27.12.2006, p. 0001-0175](#) Summary

PURPOSE: To amend EU Regulation 3992/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation by introducing a new Annex on operational activities.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Passenger safety and the need for a level playing field are the two driving factors behind the EU's establishment of harmonised civil aviation provisions. Regulation 3992/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation is the framework legislation which seeks to establish and update harmonised rules for the design, manufacture, operation and maintenance of aircraft. Joint Aviation Requirements (JARs), listed alongside the Regulation are given the force of law within the Community and are devised by the Joint Aviation Authorities (JAA). The proposed amendment to Regulation 3992/91 focuses on the Operational aspect of the Regulation's scope. It does so by introducing a new Annex dealing specifically with the operational use of commercial aircraft. The new Annex is based on a JAR devised by the Joint Aviation Authority, though the text has been altered slightly to make it compatible with EU law.

JAR-OPS 1, was devised by the JAA in 1997 to cover the operational use of commercial aircraft and deals mostly with cabin crew safety, duty time and crew rest periods. Common rules relating to these issues fall firmly within the scope of Council Regulation 3992/91, both in terms of ensuring high safety standards and in terms of maintaining harmonised provisions for commercial operators. Experts agree that there is a need for JAR-OPS 1 to be incorporated into Community law. However, it has become apparent that, unlike with other JAR codes, the text of JAR-OPS 1 can not be simply attached in annex form to Regulation 3992/91. The reasons are three-fold.

Firstly, the text of JAR-OPS 1 contains certain provisions, which are incompatible with Community law. As such the text requires some adjustments. Secondly, various sticking points relating to the technical content of JAR-OPS 1 require Commission intervention. Thirdly, the requirements of JAR-OPS 1 are such that they will have far-reaching economic and social consequences on those involved in civil aviation. It is, therefore, the duty of the Commission to seek their adoption through the usual methods of open discussion. In other words, the full text is to be processed through the established Community adoption process.

To make it compatible with Community legislation a revised text on harmonised rules for commercial air operation has been devised entitled, 'OPS 1: Commercial air transportation (aeroplanes)'. OPS 1, although revised, is based on the content of that prepared by the JAA. For the sake of clarity and consistency, the Commission is proposing to attach the revised text to Regulation 3992/91 as Annex III. The revised Annex includes the following elements:

- A high level of safety standards based on that proposed by the JAA.
- Community provisions limited to what is strictly necessary for the automatic registration of Air Operator Certificates. In other words, the text covers Section 1 of JAR-OPS 1, whilst excluding those parts dealing with acceptable means of compliance or explanatory material to be defined in Section 2 of JAR-OPS 1.
- Ensuring that, for the sake of future amendments, the text resembles, as much as possible, that of JAR-OPS 1. This also makes the text compatible with regulatory systems in JAA countries, which are not a member of the EU.
- Adjusting certain provisions so that they conform to Community law. The revised provisions refer to the registration of aircraft, short term wet-lease-in and exemptions to the operational Directives.
- Giving air operators responsibility for cabin crew safety. Requirements relating to training, age and medical assessment are to be covered by a separate Directive.
- Duty time, rest requirements for crew and flight time limitations will be the matter for later discussions.

Lastly, the establishment of common requirements for commercial air transport by rotorcraft will be dealt with in a similar way to the present proposal. The basis for discussion being the JAA requirements known as JAR-OPS 3.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The committee adopted the report by Brian SIMPSON (PES,UK) amending the proposal under the codecision procedure (first reading). The committee was particularly concerned that the regulation should contain provisions on flight and duty time limitations and rest requirements, which were a vital issue in aviation safety. It accordingly proposed a new text to be added to the annexes and stipulated that, if airline representatives and trade unions did not reach agreement on flight and duty time limitations and rest requirements for flight crew and cabin crew by 1 May 2001 (i.e. by the time of the second reading under the codecision procedure), the Commission should come forward with a proposal on this subject by 1 July 2001. The committee also felt that operating cabin crew members, as well as flight crew members, should on each flight carry a valid certificate of professional competence. It added a definition of "cabin crew member" and stipulated that all members of the operating cabin crew should wear uniform and be clearly identifiable to the passengers. The committee also included in the proposal a definition of the training programme which a person should undergo before being appointed to the post of senior cabin crew member (on flights carrying more than one cabin crew member) and a definition of the training programme which should be undergone by the person acting as the single required cabin crew member (on flights with just one cabin crew member). The latter course should include training in the management of unruly passengers. ?

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The European Parliament voted with amendments to approve the report by Mr Brian SIMPSON (PES, UK) which intends to update the 1991 technical directive relating to airport safety. (Please refer to the decision of the committee responsible). In addition, other amendments stress that all crew members must comply with the medical requirements applicable to their work and that all cabin crew members should carry a valid certificate of professional competence.?

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The objective of this proposal is to amend the Commission proposal for a Regulation of the European Parliament and the Council, amending Council Regulation 3922/91/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, following the opinion of the European Parliament, so as to take into consideration work being done in the Council on that proposal, as well as on another Commission proposal on the establishment of safety requirements for cabin crews. As explained hereafter, these two texts are closely linked as far as cabin crew training is concerned and changes in one involve changes in the other. In order to facilitate the finalisation of the work on both of them, the Commission felt it appropriate to amend its proposals to reflect the balance between the two texts which is the most likely way to achieve consensus and therefore to allow their adoption after a long stalemate. At the same time, and in view of the significant changes that the experts involved in the work of the Council are likely to agree, the Commission felt it useful to introduce them in its amended proposal, so as to facilitate also the emergence of a consensus between all Institutions and speed up the adoption process of common safety requirements for the commercial operation of aircraft. The amended proposal includes a revised set of procedures through which the Community exercises control over the use by the Member States of the flexibility that is granted to them by the proposed amendment of Article 8 of the Regulation. For exemptions for reasons of unforeseen operational circumstances or operational needs of limited duration, the safeguard procedure is now proposed. The content of the new article 8 paragraph 3 and 4, as well as that of article 11, are therefore mentioned. Provision have been made for a delayed applicability of the new Annex III to enable the updating, after the entry into force of the Regulation but before the Annex becomes applicable, of this Annex so as to bring it into line with the latest version of JAR-OPS 1. As regards the amendments to the new Annex III, it is proposed that the regulation needs to deal with situations where two kinds of crew carry out duties in the passenger compartment of an aeroplane, cabin crew and other crew. In order to distinguish these two kinds of crew from each other so as to be able to lay down provisions for each of them, they need to be carefully defined. Only personnel who have undergone the applicable safety training can be a cabin crew member, and can carry out safety duties in the aeroplane. The definition contained in the Technical Annex of the proposal (JAR-OPS 1) suffered from the fact that it defined cabin crew in terms of one of its obligations, i.e. the carrying out of safety duties. The new definition proposed is independent of the duties and allows therefore the laying down of mandatory provisions for both kinds of crew independently of each other. Under the new definition, anyone employed by the operator in the passenger compartment of an aeroplane is a member of the cabin crew, and must therefore meet all the requirements for cabin crew, unless he/she belongs to one of the categories of other crew explicitly mentioned. A crucial requirement for the "non-cabin crew" crew, essential for the European Parliament and the Council alike, is that it shall be impossible for passengers to confuse them with cabin crew. With regard to flight time and the rest of the crew, to meet the European Parliament's concern about the absence of provisions on flight, duty times and rest times for the crew, a new subpart Q has been included in the Technical Annex obliging operators to lay down schedules for these three elements of safety in accordance with the applicable requirements. The applicable requirements are presently still national and unharmonised. With regard to alcohol, the requirements on the maximum blood alcohol level and the consumption of alcohol by the crew members have been amended, allowing individual Member States to be more restrictive for the operators under their jurisdiction. As regards flight recorders, the requirements on the use of flight recordings have been redrafted so as to make them applicable for the operator only, thus exempting the Member States. Concerning cosmic radiation, the requirements on the monitoring of the cosmic radiation doses received by the crew members during their flights have been eliminated from the text. Lastly, as regards the carriage of collision avoidance systems and flight crew interphone systems, the dates at which the requirements on the Airborne Collision Avoidance System and the Flight Crew Interphone System will become effective have been fixed at 1.1.2005 and 1.4.2002 respectively. ?

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The committee adopted the report by Brian SIMPSON (PES, UK) tabling one long and extremely detailed amendment to the Commission's amended proposal. As the proposal was deemed to constitute a renewed referral to Parliament, the committee's report was adopted as a first reading under the codecision procedure. The amendment concerned the new subpart Q which the Commission had included in the Technical Annex in response to the European Parliament's previously expressed concern about the absence of provisions on flight and duty time limitations and rest requirements. The committee felt, however, that the new subpart, which merely obliges operators to lay down schedules for these three elements of safety in accordance with applicable requirements (which were currently still national and unharmonised), should set out extremely detailed provisions as minimum standards which would be applicable to all. The amendment accordingly covers fully the issue of duty, standby and rest times for both cabin crew and flight crew and restricts the maximum daily flight duty period to 13 hours, or to 11 hours 45 minutes when the duty period is between 22.00hrs and 04.59hrs. ?

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The European Parliament adopted the resolution drafted by its rapporteur Brian Simpson (PES, United Kingdom) on flight duty and rest times. (Please refer to the document dated 10/07/02.) Parliament went on to specify in the technical annex the rules applicable to cumulative duty hours. Duty periods may not exceed 190 duty hours in any 28 consecutive days and 60 duty hours in any 7 consecutive days. With regard to rest periods, there are different provisions depending on whether a flight duty period starts at base. For the latter, the minimum rest period must be at least as long as the preceding flight duty period or 12 hours, whichever is the greater. Away from base, the minimum period is 10 hours, or the length of the preceding flight duty period. The amendment also contains provisions under which the rules may be modified due to unforeseen circumstances in actual flight operations.?

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

Following extensive discussions on the initial Commission proposal - both in Parliament and in Council - the European Commission presents its revised proposal. The revisions take into account Parliamentary and Council suggestions which seek to improve the effectiveness of the proposed amendments to Council Regulation 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation. In essence, the modified proposal takes into account Parliamentary amendments proposed at first reading; the Flight Time Limitation Scheme (proposed at a latter date); work carried out in Council and lastly other Commission proposals concerning the establishment of safety requirements for cabin crew. The new proposal also includes necessary changes to the Regulation's provisions outlined in its technical Annex concerning the entry into force of other EU related provisions. They refer, in particular, to the following Regulations on: - The establishment of a European Aviation Safety Agency - The airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations - The airworthiness of aircraft and aeronautical products, parts and appliances and on the approval of organisations and personnel involved in these tasks. Concerning the main modifications to the Regulation itself the Commission has amended the initial proposal as follows: - A new recital in order to ensure that the more detailed and technical requirements contained in Subpart Q are consistent with the minimum standards set in the EU Directive on the organisation of Working Time Mobile Workers in Civil Aviation. - A clearer definition of the term "Authority" which grants the air operator's certificate (AOC). - A new Article 8a in order to allow additional flexibility for the establishment of national variations on the Flight Time Limitation provisions. It is, however, specified that the operator requesting a variation has to demonstrate a high level of safety. - A new Article 8b to introduce a revision clause relating to Annex III Subpart Q after three years. Amendments to the new Annex III are technical in nature and are designed to ensure that the eventual legislation is fully compatible with related EU provisions. They also take into account some of the suggestions proposed in Council. Lastly, amendments relating to flight time and rest of crew (subpart Q) contain the following elements: The European Commission has accepted the European Parliament's amendment in full. This is because it shares Parliamentary concerns that there is an absence of detailed provisions on flight, duty and rest times for the crew. This is largely because provisions relating to this issue remain unharmonized at a national level and are thus deemed inadequate to modern day needs. A limited number of changes to subpart Q have been introduced in order to ensure that the procedure offers Member State the chance to introduce variations compatible with other EU legislation. Any variation requested has to demonstrate a high level of safety.?

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The Council examined the text of the 'EU-OPS' Regulation and in particular Articles and subparts 'O' relating to cabin crew and sub-parts 'Q' relating to flight-time limitation. The Council agreed to come back to this issue at one of its next sessions.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The Council took note of information from the Presidency regarding progress on the proposed amendment to Regulation on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The Council was able to agree on the major lines of the Commission proposal. On some points, however, the Council decided to modify the text, generally in order to make it clearer, simpler and easier to understand.

The Council made some changes to the flexibility provisions in Article 8, namely in paragraph 4, where the Council widened the prerogative for Member States to adopt or maintain provisions relating to a very limited number of OPS (technical requirements and administrative procedures in the field of civil aviation) until common rules based on scientific knowledge and best practices are established at a Community level.

In Article 8a the Council offers that the provisions of Subpart Q (flight time limitation) and, as appropriate, Subpart O (cabin crew) of Annex III should be evaluated from a scientific and medical point of view within a period of three years following the entry into force of the Regulation. Additionally, the Council position places upon the European Aviation Safety Agency (EASA), the

responsibility to carry out this work as well as that of assisting the Commission in preparing proposals for the modification of the technical provisions of Subpart Q as applicable.

The Council states that given the time needed for adaptation to the new technical rules, Member States should apply Annex III with effect from 18 months after entry into force of this Regulation (and not with effect from 6 months, as proposed by the Commission).

Within Annex III itself, the Council has made some modifications in order to align the text fully to JAR-OPS 1 amendment citing the intention to making the text clearer and more precise.

In conclusion, the Council considers that the text of its common position is appropriate and balanced. With respect to the amendment proposed by the European Parliament at first reading relating to 'flight time limitation', the Council observes that this amendment has been entirely taken on board, subject to some minor refinements. The Council holds therefore that the text of its common position ensures that the aim sought by the Parliament's amendment has been achieved.

The Council would encourage the European Parliament to accept the text of the common position as it stands, so that the Regulation can enter into force soon. In this context, as regards in particular Subpart Q (flight time limitation) and, as appropriate, Subpart O (cabin crew) of Annex III, the European Parliament is invited to take into consideration that these Subparts will shortly be subject to a scientific and medical evaluation to be carried out by EASA.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The Commission is in a position to accept the common position given that it largely follows the opinion of the European Parliament in first reading. It also appreciates that the delicate and balanced compromise found in the Council text has been arrived at only after very long discussions.

It should be added that the Commission agrees with the view expressed in the common position that in the context of advancing techniques and changing circumstances in the field of modern aviation, given the lengthy period of inter-institutional deliberation needed for the finalisation of the current text, Annex III could already be improved on certain points at this point in time. However, the lengthy work on this voluminous text has now been matured enough for finalisation as it currently stands.

In this respect, the Commission reiterates once again its commitment that its services would as soon as possible after entry into force of the Regulation start the work regarding further fine-tuning and updating of the text via the comitology procedure, whereby it would carefully consider the proactive suggestions for modification that have already been presented by some Member States.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The committee adopted the report by Ulrich STOCKMANN (PES, DE) amending - under the 2nd reading of the codecision procedure - the Council's common position on the proposed regulation on the harmonisation of technical requirements and administrative procedures in the field of civil aviation. The main amendments were as follows:

- a scientific and medical evaluation of the provisions on flight and duty time limitations and rest requirements, as well as of the provisions on cabin crews where appropriate, should be completed within two years of the regulation's entry into force, rather than three years as proposed. The evaluation should be carried out by the European Aviation Safety Agency, which should also help the Commission to draw up proposals to amend the relevant technical provisions;
- the committee introduced a safeguard clause stipulating that "under no circumstances" should the provisions of the regulation constitute valid grounds for watering down levels of safety protection existing in the Member States. It would therefore be possible to retain collective agreements which provide for better conditions as regards flight and duty periods;
- as disruption to rosters can often have a negative impact on the safety of operating models of overnight express cargo service providers, MEPs inserted a recital providing for the Commission to carry out an assessment and propose adjustments to the provisions on flight and duty time limitations "to take account of these special operating models";
- finally, the committee called for the harmonisation of cabin crew training "in order to allow for mutual recognition of training qualifications throughout the Community". In this connection, the option of cabin crew licensing should be "investigated further".

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The European Parliament adopted a resolution drafted by Ulrich STOCKMANN (PES, DE) and made some amendments to the common position:

-In an adopted compromise amendment, tabled by EPP-ED, PES, ALDE and Greens/EFA, it was pointed out that the aim of this regulation is to provide harmonised safety standards of a high level, including in the field of flight and duty time limitations and rest periods. But in some Member States, collective labour agreements and/or legislation already exist which provide for better conditions as regards flight and duty time limitations and as regards working conditions for cabin crew. Nothing in the Regulation should be interpreted as limiting the possibility of concluding or retaining such agreements. Member States are allowed to maintain legislation which contains more favourable provisions than those laid down in this Regulation.

-A scientific and medical evaluation of the provisions on flight and duty time limitations and rest requirements, as well as of the provisions on cabin crews where appropriate, should be completed within two years of the regulation's entry into force, rather than three years as proposed. The evaluation should be carried out by the European Aviation Safety Agency, which should also help the Commission to draw up proposals to amend the relevant technical provisions.

-The application of provisions regarding flight and duty time limitations can result in significant disruption of rosters for undertakings the operating models of which are exclusively based on night-time operation. The Commission should, on the basis of evidence to be provided by the parties concerned, carry out an assessment and propose an adjustment of the provisions regarding flight and duty time limitations to take account of these special operating models.

-The course towards further harmonisation of cabin crew training requirements hitherto adopted should be maintained, in order to facilitate the free movement of cabin crew personnel within the Community; in this context, the possibility of further harmonisation of cabin crew qualifications should be re-examined.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

The Commission can accept all of the amendments adopted by Parliament at second reading. They are the result of a compromise package agreed between the European Parliament and the Council with a view to the adoption of the Regulation at second reading. The amendments agreed upon favour the approach taken by the Commission in its initial approach as well as addressing the Commission's concerns vis-à-vis flight time limitations (FLT) and concerns regarding cabin crew.

In summary, the amendments agreed upon, are as follows:

Non-regression clause: This amendment introduces a new recital, which emphasises that the new provisions will not lead to a lowering in aviation safety irrespective of whether they are laid down in legislation or negotiated in a collective agreement.

Scientific and medical evaluation: This amendment shortens from three to two years (following the entry into force of the Regulation) the period within which a scientific and medical evaluation of the provisions on flight and duty time limitations and rest requirements should be made. It also applies, where appropriate, to related provisions on cabin crew.

Night time cargo flight operators: This amendment introduces a new recital, which remedies the fact that the rostering and working-time conditions peculiar to express overnight cargo services and service-providers were omitted from the original Commission proposal and the European Parliament Report at first reading.

Scientific and medical evaluation of Subparts Q and O: This amendment introduces a new recital stating that the EASA must complete a scientific and medical evaluation of Subpart Q and, where relevant, Subpart O, on the basis of which the Commission will, if necessary, draw up and submit proposals to amend the relevant technical provisions.

Free movement of cabin crew within the Community: This amendment introduces a new recital emphasising the importance of maintaining momentum for the harmonisation of cabin crew training requirements. This will help facilitate the free movement of cabin crew personnel within the single market.

The remaining amendments specify that the EASA will assist the Commission in preparing proposals for modifying the applicable technical provisions of Subpart O and Subpart Q, set out in Annex III. The EASA will only conclude a scientific evaluation of the provisions of Subpart Q where relevant.

To conclude, these amendments reflect the inter-institutional compromise reached during the Plenary Session of Parliament on 4 July 2006. In a declaration issued at the time the Commission states that the evaluation of scientific and medical evaluation of subparts O and Q will include the issue of human behaviour in an emergency. The Commission also confirms that if an EASA evaluation reveals that it would be necessary to make modifications to the Regulation, including its Annex III, the Commission will present appropriate proposals to that end without delay.

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

PURPOSE: to amend Council Regulation 3922/91/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

LEGISLATIVE ACT: Regulation 1899/2006/EC of the European Parliament and of the Council amending Council Regulation 3922/91/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

CONTENT: the Council adopted by qualified majority a Regulation amending Regulation 3922/91/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, approving all of the amendments passed by the European Parliament at second reading under codecision procedure. The Swedish delegation abstained from voting.

The Regulation aims in particular at enhancing even further aviation safety and constitutes an important step towards the harmonisation of working conditions for cabin crew, thus promoting a level playing field in commercial air transportation in the EU.

The Regulation basically transposes the non-binding Joint Aviation Requirements - Operational Standards (JAR-OPS) established by the Joint Aviation Authorities at non-binding intergovernmental level into a binding Community legislative act. The subpart on flight time limitation was inserted following an amendment proposed by the European Parliament at first reading.

The Regulation provides for the possibility for Member States to grant exemptions from the technical requirements and administrative procedures specified by this Regulation in the case of unforeseen urgent operational circumstances or operational needs of a limited duration as well as to adopt or maintain provisions on certain OPS until Community rules based on scientific knowledge and best practices are established.

Within a period of two years following the entry into force of the Regulation, the European Aviation Safety Agency will evaluate provisions on flight time limitation and, as appropriate, on cabin crew from a scientific and medical point of view.

ENTRY INTO FORCE: 16/01/2007. Without prejudice to the provisions of Article 11 of Regulation 3922/91/EEC, Annex III (common technical requirements and administrative procedures applicable to commercial transportation by aircraft) shall apply with effect from 16/07/2008.