

Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

COM(2006) 645 final– 2006/0209 (COD)

(2006/C 325/21)

On 15 November 2006, the Council decided to consult the European Economic and Social Committee, under Article 71 of the Treaty establishing the European Community, on the abovementioned proposal.

On 21 November 2006, the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the Committee's work on the subject.

Given the urgent nature of the work, the European Economic and Social Committee appointed Mr Simons as rapporteur-general at its 431st plenary session on 13 and 14 December 2006 (meeting of 13 December), and adopted the following opinion unanimously.

1. Conclusions and recommendations

1.1 The EESC agrees with the Commission's proposal for a regulation, insofar as the introduction of the 'regulatory procedure with scrutiny' will involve the co-legislators more fully in scrutinising executive acts.

1.2 In view of the urgent entry into force of the EU-OPS-Regulation (amended Regulation 3922/91), the Committee recommends the rapid adoption of the Commission's proposal.

2. Introduction

2.1 The Commission proposal aims to amend Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation ⁽¹⁾ to align it with Council Decision No 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾, as last amended by Council Decision No 2006/512/EC of 17 July 2006 ⁽³⁾.

2.2 Decision No 2006/512/EC introduced a new type of procedure for the exercise of implementing powers, the regulatory procedure with scrutiny.

2.3 The regulatory procedure with scrutiny must now be followed for measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

2.4 In particular, this new regulatory procedure must be followed when the annexes to a basic instrument are deleted, amended or replaced or are adapted to scientific and technical progress. However, the standard regulatory procedure will still apply to cases where the Commission grants a Member State a derogation regarding the application of a basic instrument or its annexes.

2.5 Article 8(1), (3) and (4) and Article 11 of Regulation (EC) No 3922/91 authorise the Commission to delete, amend or adapt the common rules in Annex III using the regulatory procedure.

2.6 Therefore that Regulation should be amended to provide for the adoption of these implementing measures using the new regulatory procedure with scrutiny.

3. General comments

3.1 The Decision No 2006/512/EC lay down the procedures for the exercise of implementing powers conferred on the Commission. With this new decision a new comitology-procedure, the 'regulatory procedure with scrutiny' aimed at involving more closely both Council and Parliament in measures and decisions of 'quasi-legislative nature' taken by the Commission.

3.2 In fact, this new procedure is to be used when three conditions are fulfilled:

- the basic instrument has been adopted in accordance with the procedure in Article 251 EC
- the basic instrument provides for the adoption of measures of general scope
- and those measures are designed to amend non-essential elements of the basic instrument, inter alia, by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

⁽¹⁾ OJL 373, 31.12.1991, p. 4. Regulation last amended by Regulation

⁽²⁾ OJL 184, 17.7.1999, p. 23.

⁽³⁾ OJL 200, 22.7.2006, p. 11.

3.3 The Committee considers appropriate the Commission's proposal, since the introduction of the 'regulatory procedure with scrutiny' will involve the co-legislators more fully in scrutinising executive acts.

3.4 The Council Decision No 2006/512/EC applies as from the 23 July 2006 encompassing ongoing legislative procedures. This is the reason why the Commission proposes to complete the EU- OPS -Regulation with this proposal.

Brussels, 13 December 2006

3.5 In view of the urgent entry into force of the EU-OPS-Regulation (amended Regulation 3922/91), the Committee recommends the rapid adoption of the Commission's proposal.

4. **Specific comments**

None.

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS
