



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.10.2006  
COM(2006) 591 final

2000/0069 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EEC) n° 3922/91 on the harmonisation of technical  
requirements and administrative procedures in the field of civil aviation (EU-OPS)**

**AMENDING THE PROPOSAL OF THE COMMISSION  
pursuant to Article 250 (2) of the EC Treaty**

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**1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty requires the Commission to deliver an opinion on amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by Parliament.

**2. BACKGROUND**

Date of transmission of the proposal to the EP and the Council (document COM(2000)121 final – 2000/0069COD)	24 March 2000
Date of the opinion of the Economic and Social Committee:	19 October 2000
Date of the first opinion of the European Parliament, first reading:	18 January 2001
Date of transmission of the amended proposal to the EP and the Council (document COM(2002)30 final – 2000/0069COD)	04 February 2002
Date of the second opinion of the European Parliament, first reading	03 September 2002
Date of transmission of the revised amended proposal to the EP and the Council (document COM(2004)73 final – 2000/0069COD)	12 February 2004
Date of adoption of the Council common position	14 March 2006
Date of the opinion of the European Parliament second reading	05 July 2006

### 3. PURPOSE OF THE PROPOSAL

- When preparing the second aviation liberalisation package in 1989, the Council and the Commission agreed that Community air transport policy should also address the harmonisation of the regulatory framework applicable to civil aviation in order to **maintain a high level of aviation safety and guarantee fair competition between air carriers**. In that context, the Community adopted Regulation 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation with the aim of establishing and keeping up to date harmonised rules for the design, manufacture, operation and maintenance of aircraft, and for personnel and organisations involved in these tasks.
- Subsequently, the aim of the above mentioned proposal for amending Regulation 3922/91 is to establish technical provisions applicable throughout the Community and to harmonise provisions on the operation of aircraft engaged in commercial air transportation.

### 4. OPINION OF THE COMMISSION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

The Commission can accept all the amendments adopted by the European Parliament in 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 in second reading. These amendments favour the approach taken by the Commission in its proposal and address the Commission's concerns on flight-time limitations (FTL) and cabin crew.

Amendment 19 on a non-regression clause: this amendment introduces a new recital in order to emphasise that the new Regulation must not lead to aviation safety being lowered in the Member States which already have high standards, irrespective of whether they are laid down in legislation or negotiated in a collective agreement.

Amendment 20 on a scientific and medical evaluation: this amended recital shortens from 3 to 2 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 and, as appropriate, of the provisions on cabin crews should be made.

Amendment 21 on night-time cargo-flight operators: introduces a new recital to remedy 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.

Amendment 22 on a scientific and medical evaluation of Subparts Q and O: introduces a new recital which states that the EASA should complete a scientific and medical evaluation of Subpart Q and, where relevant, of Subpart O on the basis of which, the Commission should, if necessary, draw up and submit proposals without delay to amend the relevant technical provisions.

Amendment 23 on the free movement of cabin crew within the Community: introduces a new recital which emphasises the importance of maintaining the momentum as regards the

harmonisation of cabin crew training requirements in order to further facilitate the free movement of cabin crew personnel within the single market.

Amendment 24: specifies that the EASA shall conclude a scientific and medical evaluation of the provisions of Subpart Q and, only “**where relevant**”, of Subpart O of Annex III.

Amendments 16 and 25: specify that the EASA shall assist the Commission in the preparation of proposals for the modification of the applicable technical provisions of “**Subpart O and**” Subpart Q of Annex III.

The conclusion of the compromise package has been facilitated by a declaration which the Commission made during the July 2006 Plenary session of the European Parliament (see annex).

## **5. CONCLUSION**

These amendments reflect an interinstitutional compromise. Holistically, they centre around the objectives underpinning the Commission’s proposal, and therefore the Commission can give a favourable opinion on the proposed amendments as set out above.

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.

**Annex: Declaration of the Commission at the Plenary Session of Parliament of 4 July 2006**

**SCIENTIFIC AND MEDICAL EVALUATION OF SUBPARTS O AND Q**

Declaration by the Commission:

"As regards the scientific and medical evaluation of subparts O and Q referred to under Article 8a(1), the Commission confirms that this evaluation will include the issue of 'human behaviour in emergency' and the related competency requirements.

The Commission also confirms that if the evaluation by the European Aviation Safety Agency (EASA) reveals that it would be necessary to make modifications to the Regulation, including its Annex III, it has the intention to present appropriate proposals to that end without delay".