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Eingelangt am 19/12/07

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.12.2007
COM(2007) 864 final

2005/0228 (COD)

COMMISSION OPINION

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

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

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 provides that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 20 amendments proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (Document COM(2005) 579 final - 2005/0228 (COD))	18 November 2005
Date of the opinion of the European Economic and Social Committee	21 April 2006
Date of the opinion of the European Parliament, first reading	14 March 2007
Date of adoption of the common position (by unanimity)	15 October 2007
Date of adoption of the resolution at second reading by the European Parliament comprising 20 amendments to the Common Position	12 December 2007

3. AIM OF THE PROPOSAL

The Commission proposal adopted on 15 November 2005 aims to extend the common safety rules to air operations, pilot licensing and the safety of third-country aircraft. It also aims to strengthen inspections and penalties in the event of non-compliance with these rules and, in the light of experience, to improve the operation of the European Aviation Safety Agency (EASA).

4. THE COMMISSION'S OPINION ON THE EUROPEAN PARLIAMENT'S AMENDMENTS

The Commission can accept the 20 amendments adopted by the European Parliament at second reading as they are the result of the compromise reached between the three institutions.

The main changes concern the amendment of the definition of complex aeroplane, the ex ante notification of flight time limitation schemes, the establishment of a system of fines and the selection of members of the Management Board on the basis of their experience and commitment to act in the interest of the Agency.

As part of the compromise solution, the Commission has found it necessary to make three statements:

RE: Article 63

As regards Article 63, the Commission states that, when amending Commission Regulation (EC) 593/2007 on the fees and charges levied by the European Aviation Safety Agency, the Commission will pay due attention to the specific situation of SMEs, and in particular to the impact that the level of the fees and charges may have on their economic viability, whilst continuing to ensure both compliance with the principle of non-discrimination and that the revenue from the certification activity of the Agency remains sufficient to cover the full cost of the services delivered.

RE: Article 3 (j) (i) fourth indent

"As regards the definition of complex motor-powered aircraft, the Commission will assess the economic impact on markets of the inclusion of aeroplanes equipped with turbojet engines or more than one turboprop engine in such a definition and will request the European Aviation Safety Agency to monitor their safety performance."

RE: Annex II point e (ultra light aircraft)

"The Commission will request the European Aviation Safety Agency to conduct formal consultations of all stakeholders and to submit a reasoned opinion for a change to Annex II, point e, aimed at including in it ultra light aircraft of less than 600 kg, if necessary."

5. CONCLUSION

Under Article 250(2) of the EC Treaty, the Commission is amending its proposal in accordance with the above.