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Subject: ***Preparation of the Council meeting (Transport, Telecommunications and Energy) on 1st December 2016***
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council
– General approach

1. Introduction

On 7 December 2015, the Commission adopted the above-mentioned proposal, part of European Commission's '*Aviation Strategy for Europe*'. Its objective is to prepare the EU aviation safety regulatory framework for the challenges of the next ten to fifteen years.

2. Content of the proposal

The main objective of the proposal is to maintain the current high European safety levels while allowing the EU aviation sector to continue to grow in the future. For this purpose, the proposal introduces a risk and performance based approach to safety regulation. It also proposes to close existing safety gaps and better take into account interdependencies between aviation safety and other technical domains of regulation, such as aviation security or environmental protection.

Another objective of the proposal is to create an effective regulatory framework for the integration of new business models and emerging technologies. In particular, this initiative proposes to create a Union framework for the safe integration of unmanned aircraft into the European airspace.

The proposal introduces a more proportionate and flexible approach to safety regulation and it eliminates rules which could stifle entrepreneurship with too prescriptive requirements. It notably proposes to introduce a scalable framework which recognises the differences existing between the various sectors of civil aviation and the risks involved therein.

In order to address the challenges faced by some national authorities in maintaining and providing the resources necessary for their oversight and certification responsibilities, the initiative also proposes a framework for pooling and sharing of technical resources between the national authorities and the European Aviation Safety Agency (hereinafter 'the Agency'), which includes the possibility of transferring responsibilities for implementation of Union legislation on a voluntary basis.

3. Work within the European Parliament

The European Parliament's Committee on Transport and Tourism has appointed Mr Marian-Jean MARINESCU (EPP) as rapporteur. On 3 May 2016, the rapporteur published his draft report, which contained 242 amendments. The draft report was presented in the TRAN Committee on 24 May 2016 and on 10 November 2016, the Committee adopted the amended draft report with 32 votes in favour, 11 against and 1 abstention. On the same day the legislative resolution was also carried with 32 in favour, 11 against and 1 abstention, as well as the decision to start inter-institutional negotiations with 32 votes in favour, 10 votes against and 2 abstentions.

4. Work within the Council bodies

The Commission made a first general presentation of the proposal to the Aviation Working Party (hereinafter the 'Working Party') on 7 December 2015, during the Luxembourg Presidency. The Commission also presented the 'Aviation Strategy' to the TTE Council on 10 December 2015. The Working Party began the detailed examination of the Commission proposal, together with its impact assessment, during the Dutch Presidency, in early January 2016.

On 8 January 2016, the Commission presented the impact assessment to the Working Party, which was followed by general comments by the delegations. Due to the high complexity of the file, at that point delegations had not finished the examination of the impact assessment and they expressed their intention to refer back to it in more detail in connection with the subsequent detailed discussions of the articles. The possible impact of the measures proposed by the Commission in the proposal was in particular discussed in connection to Annex I and to Section IV '*Financial Requirements*'.

A great deal of intensive work has been put into this file since its presentation in the Council. The Dutch Presidency dedicated twenty working party meetings to it, which resulted in a progress report covering Chapters I-IV , Section I of Chapter V, as well as Articles 124 and 125 of the proposal. The progress report of the Dutch Presidency was presented to the TTE Council on 7 June 2016.

Building on the progress made during the Dutch Presidency, the Slovak Presidency continued the work at the same intense pace, and fourteen more working party meetings had the proposal on the agenda. Together with the delegations and the Commission, the Presidency kept a pragmatic approach and worked hard to accommodate the views of the delegation in order to find compromise solutions with real added value, while at the same time bearing in mind the overall purpose to simplify the structure and the application of the Regulation.

On 16 November 2016, the draft general approach was submitted to the Permanent Representatives Committee (Coreper). During this meeting, delegations expressed, in general, their broad support for the Presidency compromise text, lifted most of their reservations, while others reiterated their concerns on some issues, proposed statements for the Coreper meeting minutes and presented new drafting suggestions. The Presidency took note of the positions of the delegations and on the basis of the delegations' broad support for the current Presidency compromise text, decided to maintain it unchanged for the Council meeting.

The only remaining issue still outstanding concerns the contribution of the Agency in aviation security.

All delegations agree with the Commission proposal regarding the need for cooperation on security matters related to civil aviation. Some welcome the involvement of the Agency in security and consider that the Agency should be able to build such expertise, especially if one wants to be prepared for the unknowns of future years. Others are opposed to such a possibility. They consider that the Agency's competence should remain within the safety field and express concerns regarding the proposed directives and recommendations to be issued by the Agency on corrective actions to be taken at national level. They argue that these are matters of national security on which Member States are better informed and should be able to keep decision-making at national level. The Presidency compromise text proposes to limit the Agency's recommendations to safety-related security matters, thus building on the competence that the Agency already has today. In Coreper, the compromise text proposed by the Presidency on this issue received support from the large majority of delegations.

Reflecting the content of Article 76, Article 1 '*Subject matter and objectives*' provides that one of the aims of the Regulation is to contribute to maintaining a high level of security in the Union aviation sector. In connection to its position on Article 76, one delegation still has concerns regarding the introduction of aviation security as an objective of this Regulation.

The Commission fully reserves its position on the entire compromise proposal, pending the negotiations with the European Parliament.

UK has a parliamentary scrutiny reservation on the text.

6. Conclusion

In the light of the above, at its meeting on 1 December 2016, the Council is invited to examine the text as set out in the addenda 1 and 2 to this report, to resolve the last outstanding issues and to adopt a general approach.