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## DRAFT MINUTES

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Subject: **3505th** meeting of the Council of the European Union  
**(Transport, Telecommunications and Energy)**,  
held in Brussels on 1, 2 and 5 December 2016

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**On page 6 of 15100/16 ADD 1, the statement by Germany should read as follows:**

### **Statement by Germany**

"On the occasion of the TTE Council on 1 December 2016 on the 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

In principle, the Federal Government welcomes the objective of the proposal for a Regulation and the progress made so far in the negotiations. This refers both to greater adequacy of provisions and thus improved economic efficiency in businesses and undertakings, and to the improvement of aviation safety in Europe.

However, as before with the other EU agencies, the Federal Government rejects the option of extending the term of office of the Executive Director by up to five years, as provided for in Article 92(4). This is because serving a term of office of at least ten years would entail considerable financial obligations for the agency in accordance with Article 77 of the Staff Regulations of Officials of the European Union, which should be avoided, also with regard to the substantial retirement pension costs the EU has to bear (in 2015: EUR 64 billion). The term of office of an Executive Director should therefore be shorter.

With regard to Article 109(5) of the 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, Germany recalls the communication from the Commission to the European Parliament and the Council, on the programming of human and financial resources for the decentralised agencies 2014-2020, implementing a decision of the Heads of State and Government of 7 and 8 February 2013, according to which no distinction is made between activities and posts financed by fees and those financed from the EU budget. Germany considers itself bound by this, so its agreement to the current wording should therefore not be seen as a precedent for the future foundation/revision of the founding acts of agencies, and it requests the Commission to take this into account in the future when preparing comparable proposals.

**For Germany, it is important that in the discussions in the Council on Article 76, consensus was reached that the EASA's activities in the area of aviation security should be limited to issues concerning the overlap between aviation security and flight safety."**

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