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Delegations will find attached document SWD(2015) 263 final PART 1/2.

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PART 1/2

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

**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**

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Executive Summary Sheet

Impact assessment on a policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

A. Need for action

Why? What is the problem being addressed?

This initiative is a general review of the European aviation safety system and of Regulation (EC) No 216/2008, which is the EU's framework regulation for aviation safety. The problem comprises four components: (1) safety – while the present system has so far been effective in ensuring a high level of safety it may not be able to ensure that the accident rate continues to decrease in proportion to traffic growth (50% increase in the next 20 years); (2) overregulation – the regulatory system is burdensome and creates excessive costs; (3) new market developments - the aviation market and technologies have outpaced the regulatory framework (new business models, new technologies) over the last decade; (4) oversight - there are significant differences in capabilities of Member States to effectively implement the aviation safety legislation. The problem causes are: shortages and inefficient use of resources, gaps and inconsistencies in the regulatory system, and predominantly prescriptive, one-size-fits-all regulation. The problems affect all actors in the aviation safety system and indirectly the travelling public.

What is this initiative expected to achieve?

The initiative aims to improve the performance of the European aviation system with regard to safety, security, competitiveness and environmental protection. It also has to be seen in context of the Commission's new aviation strategy and the Juncker priorities, when it comes to cutting red tape, simplification of procedures, and stimulating economic growth and innovation through modern regulatory approaches, such as risk and performance based regulation. The initiative pursues the following specific objectives: (1) Eliminate unnecessary requirements and ensure regulation proportionate to the risks involved; (2) efficient integration and effective oversight of new technologies and market developments; (3) a cooperative safety management process between the Union and MS to jointly identify and mitigate risks; (4) close gaps in the regulatory system and ensure consistency; (5) create a system of pooling and sharing of resources between MS and EASA.

What is the value added of action at the EU level?

Air transport is to a large extent of transnational character and therefore, by nature, calls for a regulatory approach at EU-level. There is a general understanding of the MS that common rules are necessary in the area of aviation safety to reach a high level of safety. Common legislation does away with the need to coordinate between Member States regulatory systems and as such contributes to an increase in safety. Promoting a common European safety system headed by EASA as a regulatory and implementing body can most effectively be achieved only at EU level. Similarly, efficiency gains will stem from a single European aviation safety system countering costly fragmentation.

B. Solutions

What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why?

This initiative concerns the revision of Regulation (EC) No 216/2008, and therefore has a legislative character. Policy options were developed in three domains (not mentioning the baseline; preferred options in italics):

1. Management and Resources:
 - 1.2 Enhanced cooperation with the current system
 - 1.3(a) Joint oversight system with voluntary transfer of responsibilities
 - 1.3(b) *Joint oversight system with voluntary transfer of responsibilities + emergency oversight mechanism*
 - 1.4 A single EU aviation safety authority
2. Proportionality and safety performance:
 - 2.2 *Enablers for a proportional and performance based safety system*
 - 2.3 Two-layered regulatory system: one prescriptive – one performance based
 - 2.4 Transition to a full performance based regulatory system
- 3.1. Gaps and inconsistencies – ground-handling
 - 3.1(B) *Industry standards / no certification*
 - 3.1(C) Implementing rules / certification
- 3.2. Gaps and inconsistencies – security:
 - 3.2(B) Legal framework for security aspects of design only
 - 3.2(C) *Coordinated approach to safety and security related matters*
- 3.3. Gaps and inconsistencies – environment
 - 3.3(B) *EU essential requirements for environmental protection with respect to aeronautical products*

The preferred policy scenario combines options of limited EU intervention and including voluntary elements.

Who supports which option?
<p>Management and quality of resources: Support from MS and industry for sharing of resources on a voluntary basis (PO 1.2 and 1.3(a)). PO 1.3(b) and 1.4: possible opposition from MS because of mandatory elements.</p> <p>Proportionality and safety performance: PO 2.2 support from MS and industry PO 2.3 industry support, but likely opposition from MS because of complex administration PO 2.4 least support from MS and industry</p> <p>Ground-handling: general support from MS and industry with the exception of airlines</p> <p>Security: PO 3.2(C) expanding EASA mandate could meet opposition from MS and industry</p> <p>Environment: PO 3.3(B) no change in scope but only in implementation, therefore not controversial.</p>
C. Impacts of the preferred option
What are the benefits of the preferred option (if any, otherwise main ones)?
<p>With respect to the internal market there will be positive impacts on level playing field through more uniform oversight and a broader range of possibilities to demonstrate compliance including an increased use of industry standards. Compliance cost for businesses will be reduced through risk based oversight as well as more proportionate regulation and procedures (e.g. simplified leasing for airlines, simplified certification procedures for light aircraft). Innovation will be stimulated through more proportionate and performance based regulation. In terms of social impacts stimulating innovation is expected to translate into additional jobs on the market. Aviation safety is expected to improve through better oversight EU-wide, a European collaborative safety management process, and closing safety gaps for ground handling and security. Environmental impacts will be marginal but positive.</p> <p>Impacts could be quantified only to a limited extent as the options aim at setting a regulatory framework the impact of which can only be quantified when translated into concrete measures (e.g. implementing rules) or measures are of voluntary nature and impacts will depend on take-up.</p>
What are the costs of the preferred option (if any, otherwise main ones)?
<p>With respect to costs for businesses and national administrations, see the two sections below. At EU level, developing the virtual academy, the central repository of certificates, the pool of experts and support to rulemaking/inspections for ground handling, security and environment will require additional efforts from EASA which can partially be absorbed by existing resources or via fees and charges. The transfer of a limited portion of en-route charges from Eurocontrol to EASA could free up resources at EASA which could then be used to address the other measures. There are no significant negative social or environmental impacts.</p>
How will businesses, SMEs and micro-enterprises be affected?
<p>Positive impacts for businesses will stem from a more proportional and performance based regulatory system, more flexibility in the means to meet requirements, an increased reliance on industry standards, simplified certification procedures for light aircraft and consequently reduced compliance cost. New technologies can be introduced more easily. SME may not benefit from performance based regulation to the same extent as larger businesses but they will benefit more from moving to risk-based oversight, which removes unnecessary controls. Airlines will be positively impacted by simplification of leasing approvals and possible consolidation of certificates held by the same company in multiple Member States. Financing of measures related to pooling or sharing of resources will be borne by the industry based on the 'user pays principle', which may impact businesses in those Member States where oversight is currently financed from general tax revenue.</p>
Will there be significant impacts on national budgets and administrations?
<p>With respect to implementation costs Member States that have not yet introduced State Safety Programmes will be required to do so. Further costs arise from the need for additional training. Certain Member States will have to develop expertise in cyber security and ground handling. Nevertheless, the majority of the measures proposed will be applied on a voluntary basis, and would be activated by a Member State predominantly on the basis of a positive cost-benefit analysis. After some initial set-up and training costs, positive impacts on the resources of national aviation administrations are expected in the mid and long run, by achieving efficiency gains through the pooling and sharing of resources and the move to more targeted, risk-based oversight. The pooling and sharing of resources will be financed by fees and charges based on the 'user pays principle'. The preferred ground-handling and security options do not involve new certification requirements and thus oversight costs for Member States are not expected to be significant.</p>
Will there be other significant impacts?
<p>Creating a regulatory system that favours the introduction of new technologies and frees resources through more proportional administrative procedures will have a positive impact on the competitiveness of manufacturers and airlines and ultimately jobs and growth. Similarly, maintaining or improving the European safety record thanks to collaborative safety management processes, risk based oversight and closing safety gaps in regulation will contribute to the protection of travelling public but also to (international) competitiveness.</p>
D. Follow up
When will the policy be reviewed?

The implementation of Regulation (EC) No 216/2008 is subject to a mandatory evaluation every 5 years required by the regulation itself. This evaluation is commonly referred to as Article 62 evaluation.