



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the French Senate for its opinion of 18 December 2009 on the proposal of the Commission of 29<sup>th</sup> October 2009, for a regulation on investigation and prevention of accidents and incidents in civil aviation {COM (2009) 611}. This regulation aims at improving aviation safety by strengthening the efficiency and independence of air accident investigation in the EU.

One of the key objectives of the proposal is to strengthen the administrative and technical capacity of the independent European air accident investigation bodies, and to clarify the role of the European Aviation Safety Agency (EASA), established in 2002, in air accident investigations.

The Commission analysed a number of possible policy options before presenting its proposal, in particular in view of the principles of subsidiarity and proportionality. This analysis is contained in the regulatory Impact Assessment accompanying the proposal of the Commission {SEC (2009) 1477 final}.

Following a detailed analysis of all the possible policy options, one of which indeed concerned the possibility of establishing a European agency for air accident investigation, the Commission concluded that, given the principles of subsidiarity and proportionality, the most effective solution to reach the desired policy objectives, would be to support the already existing national accident investigation bodies. This would be achieved in particular through the establishment of a European Network of Civil Aviation Safety Investigation Authorities.

Accordingly, the Commission does not propose the establishment of a European agency for civil aviation accident investigations. In accordance with the principle of subsidiarity, the proposal would also not shift the division of responsibilities in civil aviation accident investigation, which would rest with the competent authorities of the Member States.

Monsieur Jean BIZET  
Président de la Commission des affaires européennes  
Sénat de la République de France

In addition, the proposal provides for a proportionate threshold, whereby only aircraft certified by EASA would be subject to investigations under EU rules. Furthermore, the text of the Commission's proposal leaves it up to the Member States to determine the actual extent and the procedure to be followed in accident investigations, taking into account the safety lessons that the Member States expects to learn.

In conclusion, the Commission is of the opinion that the proposed regulation constitutes the most proportional policy option which, while fully respecting the principle of subsidiarity, would allow to significantly enhance the efficiency of air accident investigations in the EU.

I look forward to continuing this fruitful exchange of information.

Yours sincerely,

Maroš Šefčovič  
Vice-President of the European Commission