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COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING DOCUMENT**

*accompanying the*

Proposal for a

**amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 06/23/EEC**

**Summary of the Impact Assessment**

{ COM(2008) 390 final }  
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## SUMMARY OF IMPACT ASSESSMENT REPORT

### Summary of Impact Assessment Report

The Impact Assessment Report assesses the impact of the intended extension of the competence of the European Aviation Safety Agency (EASA) to the regulation of aerodromes, Air Traffic Management (ATM) and Air Navigation Services (ANS).

The following major milestones and achievements formed the basis for the development of the findings of this Report:

- A Preliminary Impact Assessment launched by the Commission and performed by the independent consultant ECORYS in 2005. This assessment included an extensive stakeholder consultation.
- The Commission Communication "Extending the tasks of the European Aviation Safety Agency: An agenda for 2010".
- A Regulatory Impact Assessment (RIA) performed by EASA which established the basis for the EASA Opinion to extend its scope to the regulation of safety and interoperability of aerodromes. Following the formalised EASA rulemaking procedure, this work also was based on an extensive consultation, resulting in very broad feedback of the affected stakeholders. Furthermore, it reveals many elements and details pertaining to the execution of the regulatory function, hence it even addresses matters beyond the scope of the actual extension of competence of the Agency.
- A "High Level Group", appointed by Vice President Barrot for the Future European Aviation Regulatory Framework in November 2006 as a response to a strong demand from industry, EU member states and other stakeholders to simplify and increase the effectiveness of the regulatory framework for aviation in Europe. Vice President Barrot requested the High Level Group to present a vision for the development of the aviation regulatory framework - with a particular focus on Air Traffic Management - and to provide a roadmap to achieve this vision with practical next steps.
- Other expert insights as indicated in the document.

Reflecting the above, and based on extensive and public consultation of stakeholders as well as per advice by expert partners, safety of the rapidly growing European aviation is found to be increasingly challenged by a still fragmented regulatory framework as well as by a persisting lack of harmonized and binding safety rules covering all areas of aviation. The intention to overcome this situation by implementation of a structured and sole competence for regulation of key aviation safety areas such as aerodromes and ATM/ANS is based on a very broad and clearly indicated consensus.

Building on the results of the Preliminary Impact Assessment and on the RIA by EASA, the Report assesses several options to meet the above mentioned intention. The most viable policy options are identified to either:

- Option A: "Do nothing";
  - Option B: Extend the EASA competences;
  - Option C: Extend the scope of the existing arrangement to issue mandates to Eurocontrol;
- or

- Option D: Establish a new Agency.

Those options are balanced against the "do nothing" option as a benchmark by analysing their impact in the fields of safety, economy, environment, social and others. These impacts pertain to the envisaged shift of regulatory competence in question, whereas potential impacts triggered by the implementation of future rules following the actual measure will be subject to assessment at the corresponding later stage.

In order to reach final conclusions by isolating the most preferable option, the options above were compared to each other and their benefit balanced against related objectives. The table below provides an overview of the identified impacts, especially highlighting the safety impact as this needs to be given the highest amount of gravity.

+++ significantly positive

++ positive

+ slightly positive

0 unchanged

--- significantly adverse

-- adverse

- slightly adverse

n/a not applicable

Option	A "Do nothing"	B EASA	C Eurocontrol mandates	D New Agency
<b>Safety</b>	deteriorating level, not compatible with challenges          - - -	integrated, holistic approach  high overall efficiency  integrated enforcement mechanisms  standardisation tools in place  no interfaces problems  separation regulation / service provision  integrated knowledge management  SES, community policy  +++	improvement limited by disintegration of safety matters  overall reduced efficiency  enforcement legally open  no standardisation platform  persisting interfaces problems  reduced separation of regulation and service  split knowledge  against policy  ++	as option C, but even less efficient as distinct from all other safety matters       more interfaces problems    knowledge management challenges  against policy  +
<b>Economy</b>	- -	high efficiency, best cost / saving ratio best positive impact to aviation market and economy  ++	       +	       0
<b>Envmt</b>	-	+	+	0
<b>Social</b>	- -	++	+	0

<b>other</b>	n / a	0	0	0
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Therefore, it is concluded that the very prominent option to meet the current and future safety challenges faced by the European aviation is option B, extending the scope of competence of EASA to the regulation of aerodromes as well as of ATM and ANS.

This conclusion is in line with the Community policies in aviation safety and the "total system approach" to be taken to encounter future aviation safety challenges, to support internal market principles and to reduce burden of regulated organisations. By integrating the safety element into the Single European Sky initiative, it ensures that the de-fragmentation of the sky will be implemented without impacting negatively on the level of accident rates. For this reason, the safety module will form the complementary, inseparable part of the "aviation legislation package" 2008, as rightly requested by all stakeholders.

Furthermore, a complete set of monitoring and evaluation tools is made available to ensure proper implementation, execution and continued quality of the application of the consequences of the intended measure.