



Brussels,
D(2015)

Opinion

Title **DG MOVE - Impact Assessment on the revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency**

(draft version of 27 May 2015)*

(A) Context

This initiative is part of the Commission's Aviation Package aimed at improving the competitiveness of the EU aviation sector, with the objective to prepare the EU aviation safety framework for the challenges of the next 10-15 years and to continuously ensure safe air transport for passengers. Global air transport is expected to grow by around 50% until 2030 and the total number of commercial aircraft in operation is expected to double over the next 15 years. Higher traffic volumes may have an increased risk of accidents as a by-product. In order to preserve the current low number of fatalities and incidents, the rate of accidents would need to decline given the growing number of flights. In addition, aviation represents a very dynamic market subject to increasing capacity demands, global competition and environmental performance needs. These challenges need to be addressed under conditions of resource constraints on Member States, National Aviation Authorities and the European Aviation Safety Agency (EASA).

(B) Overall opinion: POSITIVE

The Board recommends that the following aspects are clarified:

- 1) How does the accident rate associated with European aviation activity compare to that in other countries and why does it need to reduce in the future? What are the main causes of risk-bearing occurrences (ahead of ground handling) and why are they not addressed in this IA report? On what basis have the problems the initiative aims to address been selected (e.g. ground handling, environment)? How do they affect safety and the accident rate?**
- 2) In the baseline scenario, how likely is it that the issues highlighted above will remain challenges in the future? Illustrate with concrete examples.**
- 3) How are the options linked to the safety problems (for instance, the option dealing with environment (O.3.3)), and how will they work in practice particularly for those Member States with limited existing capacity?**

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

1) **Problems definition.** The report should set out from the outset how the accident rate in Europe compares to that of other areas of a similar state of development of the aviation sector (e.g. US, Japan, Middle East). It should clarify with concrete supporting evidence, on what basis the problems included within the scope of this initiative have been selected from among those affecting aviation, and in particular the extent to which they affect safety, either in terms of the accident rate or the number of risk-bearing occurrences (clarifying which one is the main objective). This is particularly relevant in areas where the initiative proposes to extend the scope of EU action (such as ground handling, security of design and environmental aspects). Furthermore, the report should clarify what are the three main causes of risk-bearing occurrences (ahead of ground handling) and explain if they are within the scope of this initiative (and if not explain why).

2) **Baseline scenario.** The report should provide a more robust forward looking scenario, which clarifies how the issues selected as part of the problem definition are likely to remain the main challenges in the future. In particular, it should illustrate with examples, how emerging trends (for instance, the increasing relevance of security issues (i.e. cyber-security), or the further development of new business models) are likely to affect the aviation market and the continuous relevance of the issues highlighted above.

3) **More clearly defined options better linked to the problems.** The report should present the content of options and how they would work in practice and explain better how they contribute to the objective of improving safety (i.e. decreasing the accident rate). For instance, it should better explain how a two-layered regulatory system with prescriptive and performance based rules running in parallel (O.2.3) would be implemented; how the collaborative safety management process would be created (O.2.2); or, how ground handling and environment options will lead to safety improvements. The report should clarify with regard to all the issues highlighted in the problem definition how they are addressed by the options (e.g. in relation to any unnecessary burdens in the General Aviation sector). The report should present the views of all stakeholder groups on the options and clearly explain how they are taken into account (e.g. airlines' views regarding ground-handling). In addition, the report should present more clearly any possible risks derived from the options. For instance, it should explain whether those Member States currently identified as having limited means to cope with safety oversight will be able to cope with the required changes.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The report should be streamlined in order to respect the page limit set out in the IA guidelines, for instance by avoiding repetitions and having a more focused impacts section. It should avoid, or clearly explain, the technical language and terms used.

(E) IAB scrutiny process

| | |
|-------------------------|---------------|
| Reference number | 2015/MOVE/001 |
| External expertise used | No |
| Date of IAB meeting | 17 June 2015 |