



European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition

28 September 1990

A3-0238/90

*

R E P O R T

of the Committee on Transport and Tourism

on the Commission proposal for a Council directive on mutual
acceptance of personnel licences in civil aviation
(COM(89) 472 final - C3-0001/90)

Rapporteur: Mr H. SCHODRUCH

DOC_EN\RR\95693

PE 140.390/fin.
Or. De.

A Series Reports - B Series Motions for Resolutions, Oral Questions - C Series Documents received from other Institutions (e.g. Consultations)

* = Consultation procedure requiring a single reading

**II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

**I = Cooperation procedure (first reading)

*** = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

C O N T E N T S

	<u>Page</u>
Procedural page	3
A. Amendments to the Commission proposal	4
DRAFT LEGISLATIVE RESOLUTION	10
B. EXPLANATORY STATEMENT	11
Opinion of the Committee on Legal Affairs and Citizens' Rights	15

By letter of 20 December 1989, the Council of the European Communities consulted the European Parliament, pursuant to Article 84(2) of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a directive on mutual acceptance of personnel licences for the exercise of functions in civil aviation (Doc. C3-1/90).

On 15 January 1990, the President of the European Parliament referred this proposal to the Committee on Transport and Tourism as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights for its opinion.

At its meeting of 25 April 1990, the Committee on Transport and Tourism appointed Mr Schodruch rapporteur.

The committee considered the Commission proposal at its meeting of 25 April 1990 and the proposal and draft report at its meeting of 27 September 1990.

At the latter meeting, the committee decided unanimously to recommend to Parliament that it approve the Commission proposal with the following amendments.

The committee then adopted the draft legislative resolution as a whole unanimously.

The following took part in the vote: Amaral (chairman); Topmann and Beazley (vice-chairmen); Schodruch (rapporteur); Braun-Moser (for Bonetti), Fernex, Joanny, Lalor (for Marleix), Lüttge, Rovsing (for McMillan-Scott), Sarlis, Brian Simpson, Stamoulis, Stewart, Tauran, Visser and van der Waal.

The opinion of the Committee on Legal Affairs and Citizens' Rights is attached.

*

* *

The report was tabled on 28 September 1990.

The deadline for tabling amendments to this report will appear on the draft agenda for the part-session at which it is to be considered.

Commission proposal for a Council Directive
on mutual acceptance of personnel licences
for the exercise of functions in civil aviation

Commission text¹

Amendments

(Amendment No. 1)
First recital

Whereas the existence in sufficient numbers of appropriately qualified and licensed personnel is vital for the smooth and safe running of air transport services;

Whereas to ensure the smooth running and safety of air transport services there is a need for personnel in sufficient numbers appropriately qualified on the basis of Community criteria and licensed;

(Amendment No. 2)
First recital a (new)

Whereas the present and expected future increase of these services and their effects on air traffic control capacity make all appropriate measures urgently necessary in order to alleviate saturation problems in European airspace;

(Amendment No. 3)
Ninth recital)

Whereas harmonization should eventually take place, in accordance with the highest level currently applied in the Community;

¹ For full text see COM(89) 472 final - OJ No. C 10, 16.1.90, p. 12

(Amendment No. 4)
Eleventh recital

Whereas in order to be permitted to operate aircraft in a Member State other than that where they obtained their licence professional pilots are normally subjected to additional tests; whereas this practice constitutes an obstacle to the free movement of air services and should be rectified; whereas urgent action is therefore required for professional pilots;

Whereas in order to be permitted to operate aircraft in a Member State other than that where they obtained their licence professional pilots are normally subjected to additional tests; which sometimes contain elements irrelevant to professional and safety requirements; whereas this practice constitutes an obstacle to the free movement of air services and should be rectified; whereas urgent action is therefore required for professional pilots; whereas professional pilots from any Member State must be admitted to national standard training schemes, on the basis of harmonized requirements with regard to the licence, experience, age and physical and mental fitness, without further restrictions;

(Amendment No. 5)
Fifteenth recital

Whereas in order to achieve full mutual recognition of licences it is essential to specify common requirements for licences and training programmes;

Whereas in order to achieve full mutual recognition of licences leading to the establishment of a Community licence that will include the most relevant professions in the civil aviation sector, it is essential for the Commission to submit as soon as possible proposals establishing the common requirements for granting licences and for training programmes, as well as a common recognition procedure for training centres;

(Amendment No. 6)
Sixteenth recital

Whereas it is appropriate to delegate the power to specify such requirements to the Commission assisted by a regulatory committee;

Deleted

(Amendment No. 7)
Sixteenth recital a (new)

Whereas there is a need for all flying crew and traffic control personnel to have such a command of English as will enable them to carry out their duties properly and, in particular, to have sufficient communicative skills in emergencies;

(Amendment No. 8)
Sixteenth recital b (new)

Whereas in implementing this directive priority should be given to provisions concerning the cockpit crew;

(Amendment No. 9)
Article 1

1. This Directive shall apply to licensing procedures and requirements of Member States in the field of civil aviation with respect to flying crew, and personnel employed in aircraft maintenance, air traffic control, flight operations and aeronautical station operations.

1. This Directive shall apply to licensing procedures and requirements of Member States in the field of civil aviation with respect to flight and cabin crew members and ground aeronautical staff.

(Amendment No. 10)
Article 2(f)-(h) new

(f)'flight crew members' means all categories of pilots, flight navigators, engineers and radio telephone operators;

(g)'cabin crew members' means hostesses and cabin attendants;

(h)'ground aeronautical staff' means all aircraft maintenance technicians/engineers/mechanics, air traffic controllers, flight operation officers, aeronautical station operators.

(Amendment No. 11)
Article 3(1) second subparagraph (new)

The Member States shall ensure that an obligatory certificate of competence with regard to all functions that also involve the application of safety provisions in civil aviation is introduced by 31 December 1995 at the latest.

(Amendment No. 12)
Article 3(4)

...of that Member State, if justified on grounds of safety;

(Amendment No. 13)
Article 3(5)(new)

5. Special arrangements will ensure that the corresponding licence authority automatically informs its counterpart in all Member States whenever measures are taken with respect to infringements incurred by individual licence holders.

(Amendment No. 14)
Article 4(1)

1. By derogation from the principles set out in Article 3(1), if a licence or any aspect of a licence issued by a Member State is based on requirements which are not equivalent to those of the Member State to which the licence is presented for acceptance the latter shall so inform the holder of the licence in writing and indicate the specific additional requirements and/or tests which are necessary for the licence to be accepted.

1. By derogation from the principles set out in Article 3(1), if a licence or any aspect of a licence issued by a Member State is based on requirements which are not equivalent to those of the Member State to which the licence is presented for acceptance the latter shall so inform the holder of the licence in writing and indicate the specific additional requirements and/or tests which are necessary for the licence to be accepted.

A Member State's own operational procedures may form part thereof.

This information shall at the same time be communicated to the Member State which has issued the licence and to the Commission.

This information shall at the same time be communicated to the Member State which has issued the licence and to the Commission.

The competent authorities of the Member States shall refrain from imposing additional requirements which are irrelevant to the professional skills of the applicant and to air safety.

(Amendment No. 15)

Article 4(2)

2. An opportunity to pass any additional test shall on request be given to the applicant without delay, and in any case before 3 months have elapsed from the date of the request.

2. An opportunity to pass any additional test shall on request be given to the applicant without delay, taking account of the current timing of examinations in the Member States.

(Amendment No. 16)

Article 5(c)(new)

(c) for admission to specific, national retraining schemes and to standard training schemes the provisions of Article 7 shall apply.

(Amendment No. 17)

Article 7

Amendment No.25 by Mr VISSER

Member States shall ensure that nationals of other Member States are admitted to public and private training establishments and to examinations and procedures for the licensing of civil aviation personnel on the same basis as applies to their own nationals.

Member States shall ensure that nationals of other Member States are admitted to public and private training establishments recognized by the air transport authorities of the Member States concerned and to examinations and procedures for the licensing of civil aviation personnel on the same basis as applies to their own nationals.

(Amendment No. 18)

Article 8(2)

2. By derogation from paragraph 1 Member States shall accept licences issued by the Federal Republic of Germany on the basis of a licence issued by the German Democratic Republic.

2. By derogation from paragraph 1 Member States shall accept on a reciprocal basis licences issued by the Federal Republic of Germany on the basis of a licence issued by the German Democratic Republic.

(Amendment No. 19)
Article 9(1)

1. The Commission shall at the latest by 31 December 1992 and in accordance with the procedure laid down in Article 10, adopt measures establishing harmonized requirements for licences and training programmes. In preparing the draft of those measures the Commission shall consult with representatives of the professions covered by this Directive.

1. The Commission shall as soon as possible and at the latest by 31 December 1992 and in accordance with the procedure laid down in Article 10, adopt measures establishing harmonized requirements for licences and training programmes as well as for the recognition of training centres. In preparing the draft of those measures the Commission shall closely cooperate with the relevant international organizations and consult with representatives of the professions covered by this Directive.

Such harmonization shall take place in accordance with the highest standard then being applied by one of the Member States.

(Amendment No. 20)
Article 9(1)a (new)

1a. When drafting these measures the Commission shall consult a Joint Committee of employers and trade unions embodying all the professions affected by this Directive; such consultation may be directed to the following issues:

- (a) mutual recognition of licences,
- (b) harmonization of working and training conditions,
- (c) stability and creation of employment,
- (d) education and training.

A

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a Directive on mutual acceptance of personnel licences for the exercise of functions in civil aviation

The European Parliament,

- having regard to the proposal from the Commission to the Council¹
 - having been consulted by the Council pursuant to Article 84(2) of the EEC Treaty (Doc. C3-1/90),
 - considering the proposed legal basis to be appropriate,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Legal Affairs and Citizens' Rights (Doc. A3-0238/90)
1. Approves the Commission's proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Instructs its President to forward this opinion to the Council and Commission.

¹ COM(89) 472 final, OJ No. C 10, 16.1.1990, p.12

B.

EXPLANATORY STATEMENT

I. GENERAL REMARKS

1. From a general and transport political point of view the present Commission proposal, which seeks to establish a mutual recognition procedure for national qualifications for persons employed in civil aviation, is in line with both the requirements of the completion of the internal market before 1993 and of a more effective transport system within the European Community.
2. The main objective of the draft directive consists of the free movement of people employed in the air transport sector, in accordance with the EEC Treaty and more specifically the basic provision of Article 8a.
3. Up to now the job opportunities available to civil aviation personnel and especially pilots beyond national boundaries have been very limited indeed, and in fact in some cases non-existent.
4. In fact, the proposal provides for a phased approach: during a first period, starting in July next and of course subject to certain conditions, the competent authorities of the Member States shall accept licences issued in another Member State; in a second period, beginning at the latest on 1 January 1993, harmonized requirements for licences and training programmes shall be established to the effect that recognition of licences in civil air transport becomes automatic.
5. Since the Commission's explanatory memorandum to its proposal and its comments on the various articles are precise, clear and short, there is no point in summarising the content of the draft directive in the present document. Your rapporteur prefers to restrict himself to some critical notes and comments on the amendments he proposes to the Commission's document.

II. CRITICAL ASSESSMENT

6. For the reasons set out in the first paragraph, the principle of a mutual recognition procedure of air transport licences can hardly be contested. On the contrary, it is regrettable that such a procedure does not yet exist. In its document the Commission states that in 1978 this issue was already considered a priority for Community action in the air transport field and it systematically stressed the importance of it in all its later published documents on civil aviation. The same applies for the European Parliament. In all relevant resolutions and reports the European Parliament emphasized the need for a mutual recognition of civil air transport licences. This was inter alia the case in the basic reports on this subject drawn up by Mr HOFFMANN in 1980 (Doc. 1-469/80), Mr KLINKENBORG in 1985 (Doc. A2-86/85) and 1987 (Doc. A2-193/87) and more recently, in 1990, by Mr VISSER (Doc. A3-42/90) on behalf of the committee responsible for transport.

7. The dramatic growth in air traffic movements over the most recent years and forecasts of yet further expansion of air transport in the coming years together with the resulting airspace congestion problems and constraints makes the adoption of a Community recognition system all the more urgently necessary.
8. Although your rapporteur realizes that the implementation of such a Community procedure will not achieve miracles, he takes the view that, faced with the extremely serious problems of airspace saturation, all appropriate measures, even limited as to their effect, should be taken as soon as possible.

The possibility for civil aviation personnel to obtain a job in another Member State and hence improve their career expectations will at any rate exert beneficial effects on the air transportation system within the Community.

9. As he has clearly indicated during the first exchange of views on this issue in committee on 25 April last, the overriding objective for your rapporteur is and remains safety. He is also fully aware that with the current proposal air transport safety as such is not at stake, but he warns all concerned parties not to have recourse to any measure that might endanger air traffic safety one way or another. He therefore seizes this opportunity to urge the Commission to be very careful and cautious while considering national laws, regulations and administrative provisions which are going to be adopted by the Member States to meet the demands of the proposed directive.

This major concern explains the reason for his first amendment (new recital 1a).

10. The only real criticism your rapporteur has to the Commission's draft regards a lack of clarity as far as the civil aviation personnel are concerned and to whom the directive will apply.

Although it seems quite obvious that licences do not yet exist for all categories of air transport personnel, and hence essentially pilots, aircraft navigators and engineers, as well as air traffic controllers are meant by the proposal, the directive, once adopted, implies that the provisions shall also be valid for other categories.

The Transport section of the Economic and Social Committee of the EC raised the same question while adopting its opinion on the draft directive, drawn up by Mr VELASCO MANCEBO (Doc. 1419/89).

11. For clarity's sake he therefore amends Article 1(1) (Amendment No. 9 and adds to Article 2 (Amendment No. 10) the definition of the three distinct civil aviation categories, in order to cover all aviation personnel concerned.

It should be pointed out that the definitions of flight crew members, cabin crew members and ground aeronautical staff are based on the terminology used by the International Civil Aviation Organization (ICAO) and more particularly on Chapters 1 to 4 of Annex I of the ICAO Convention.

12. The European air carriers have, on the basis of an opinion worked out by AEA (Association of European Airlines), voiced their concern that licences for cabin crew members and ground mechanics will in future become obligatory.

On the other hand, the European Unions representing cabin crews have worked out a draft, along ICAO lines, for the introduction of European licences for this specific category of civil aviation personnel.²

In the light of these totally opposed views your rapporteur is of the opinion that: a) mobility within the Community should prevail for all categories with or without licences, provided, of course, they do qualify, and b) the decision whether or not to introduce licences for all categories should also bear in mind the cost factors involved, provided, however, that safety is not in the least affected.

In that respect, it should equally be noted that the Council, in its session of 29 March 1990 instructed the Permanent Representative Committee to continue examining this matter and give it as a guideline that the scope of the directive would initially be restricted to 'cockpit crew'. The other categories of civil aviation personnel 'could' form the subject of specific measures during a subsequent stage.³

13. Another amendment (Amendments No 14) deals with a concern raised by the European Organisation of Airline Pilots Associations (EUROPILOTE) in a message of their president of 20 February 1990 and which relates to hindrances to the re-locating of pilots in another EC-State than the one of their licence for reasons that have no bearing whatsoever on their professional skills and or safety prerequisites.

In this message explicit reference is made to linguistic difficulties. Your rapporteur knows that although English is used worldwide as the one aviation language, certain countries, e.g. France and Spain, also make a knowledge of their national language compulsory for applicants.

At this stage, your rapporteur would like to prevent arbitrary measures being taken against qualified civil aviation personnel of another Member State and asks the Commission to seriously examine existing linguistic problems to the extent that they form a hindrance to the free movement of air transport employees.

14. Your rapporteur calls on the Commission to speed up procedures in order to make sure that before the end of 1992 at the latest, the final system of harmonized requirements and qualifications for relevant air aviation personnel is operational. To this end he proposes Amendment No.3.
15. Finally, in Amendment No. 19 the rapporteur wants to make certain that the Commission in drafting the harmonized requirements for licences and training should take as much as possible into account the preparatory work already undertaken in the framework of the in this regard competent international organizations, such a ICAO, the European Civil Aviation Conference (ECAC), and more particularly the Joint Airworthiness

² Document dated 30 November 1989, Ref. ECCL - P.022/89

³ See the Council's press release, Notice to Members PE 140.217, p.6

Authority (JAA) sub-group on flight crew and cabin attendants as well as Eurocontrol. Duplication of efforts should by all means be avoided and since air transport has an obvious international character, Community measures may be more stringent than those elsewhere, but they should definitely not be contradictory to worldwide rules and developments and in that sense be detrimental to the legitimate interests of civil aviation within the Community.

OPINION

(Rule 120 of the Rules of Procedure)
of the Committee on Legal Affairs and Citizens' Rights

Draftsman: Mr Francesco SPERONI

At its meeting of 20 March 1990, the Committee on Legal Affairs and Citizens' Rights appointed Mr Speroni draftsman.

The committee examined the draft opinion at its meetings of 18 and 19 June 1990 and 27, 28 and 29 June 1990.

At the last-named meeting, it adopted the conclusions of the draft opinion in amended form by 11 votes to 1.

The following took part in the vote: Stauffenberg, Chairman; Rothley, Vice-Chairman; Speroni, Vice-Chairman and draftsman; Bontempi, Cooney, Inglewood, Janssen van Raay, Marinho, Marques Mendes, Medina Ortega, Oddy and Van Ouirive.

The proposal for a directive in question concerns mutual acceptance of personnel licences for the exercise of functions in civil aviation.

The proposal comes under the general Community objective of abolishing the obstacles to free movement of persons, raised by various regulations in force in the Member States. This aim is not restricted to the freedom of establishment in any Member State of the Community but extends to each citizen's right to unrestricted transfer of all previously acquired educational and professional qualifications and, in general, personal abilities and attributes recognized through public certificates.

The proposal, possibly showing excessive respect for the Member States' prerogatives, might be considered to adopt a low-key approach insofar as it does not call for wide-ranging and unconditional acceptance, but instead leaves the Member States extensive freedom to make recognition and validation subject to exams and tests only partly justified by security factors.

However, the proposed Community harmonization of requirements, referred to in Article 9, and the possibility of referring to the eighth edition (July 1988) of Annex I to the Chicago Convention on Civil Aviation, whose scope is more extensive than that of the Community document, suggest that it will prove a fairly useful instrument, which, in the draftsman's view, would have been made more effective by the adoption of his proposed amendments. The main purpose of these amendments was to facilitate the recognition of documents, irrespective of whether personnel are required to be licensed, and to extend this recognition to qualifications acquired outside the Community, provided they are recognized by one Member State. To complete the text, it was proposed to introduce criteria for the definition of a new aviation job description on the basis of a study conducted by the ICAO², to reflect the far-reaching and regular changes in the field of aviation. However, the Committee on Legal Affairs and Citizens' Rights did not consider it necessary to adopt these amendments, and has approved the text of the proposal for a directive without amendment.

² Doc. ICAO (514) 285 - 4807