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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft 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 amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 **(first reading)** - Adoption of the legislative act - Statements

Commission declaration regarding Air Traffic Management and Air Navigation Services (ATM/ANS)

In the view of the Commission, services consisting of the emission of signals by satellites of core constellations of global navigation satellite systems (GNSS), such as the system established under the Galileo programme and other similar systems, are as such not to be considered as air traffic management and air navigation services (ATM/ANS) as defined in Article 3, read in conjunction with the corresponding recital, of new 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. This view is based, in particular, on the fact that those signals are not primarily or exclusively emitted for the purpose of air navigation, but are used for that purpose only through services that augment those signals, which are expressly covered by the definition of ATM/ANS.

Statement by Cyprus and Malta

The above-mentioned Member States have grave concerns on the implications of the regulation and are unable to support the adoption of the Regulation on common rules in the field of aviation and establishing the European Aviation Safety Agency.

Despite the improvements made during the EP negotiations we consider that the text was not ready to be adopted. We are particularly concerned with the imbalance in delegated and implementing acts, the non-proportionate and inflexible threshold adopted for Drones, the great potential for disruption of the competences and responsibilities of the national authorities emanating from the Chicago Convention and finally market distortion through competition from the Agency.

Statement by the Czech Republic

The Czech Republic had two main concerns relating to the text agreed between the Council and the European Parliament in December 2017. First, we did not agree with the extent of use of delegated acts and in particular with the use of delegated acts for provisions on drones, because we wanted to maintain control of Member States over the content of the regulation. Second, we were not happy with the use of kinetic energy as a limit for drone registration because such limit would be hard to measure. Even though, some of our concerns have been in meantime eliminated, in particular during the discussions in the Expert Group on drones, the Czech Republic still considers the use of delegated act throughout the text as excessive. In this respect we also call the Commission to further continue in deeper involvement of national experts during the preparation of the secondary legislation.