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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	14991/15 AVIATION 152 CODEC 1667 RELEX 1014
Subject:	Proposal for a 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
	- Final Provisions: Articles 118-122, 126, 127

Delegations will find attached a further revised Presidency compromise text of **block VIII** of articles from the above-mentioned proposal.

Changes with respect to the previous version (doc. 7249/2/16 REV 2) have been marked with **bold** and ~~strikethrough~~.

The content of this document will be discussed again together with all articles and recitals as part of the consolidated version of the Commission proposal.

*Article 118***Participation of European third countries**

The Agency shall be open to the participation of European third countries which are contracting parties to the Chicago Convention and which have entered into international agreements with the Union pursuant to which they **adopted and** apply Union law in the fields covered by this Regulation.

Those international agreements may include provisions specifying, in particular, the nature and extent of the participation by the European third country concerned in the work of the Agency, including provisions on financial contributions and staff. The Agency may, in accordance with Article 77(2), establish working arrangements with the competent authority of the European third country concerned in order to give effect to those provisions.

*Article 119***Headquarters Agreement and operating conditions**

1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than *[OP Please insert the exact date - two years after entry into force of this Regulation]*.
2. The Agency's host Member State shall provide the necessary conditions to ensure the smooth functioning of the Agency, including multilingual, adequate schooling and appropriate transport connections.

Article 120

Penalties

Member States shall lay down penalties for infringement of this Regulation and the delegated and implementing acts adopted on the basis thereof. The penalties shall be effective, proportionate and dissuasive.

Article 121

Processing of personal data

1. With regard to the processing of personal data within the framework of this Regulation, Member States shall carry out their tasks under this Regulation in accordance with the national laws, regulations or administrative provisions transposing Directive 95/46/EC.
2. With regard to the processing of personal data within the framework of this Regulation, the Commission and the Agency shall carry out their tasks under this Regulation in accordance with Regulation (EC) No 45/2001.

Article 122

Repeal¹

Regulation (EC) No 216/2008 is repealed.

Regulation (EC) 552/2004 is repealed except for:

- (a) Articles 5, 6 and 6a and Annexes III and IV of that Regulation, which shall continue to apply for the purposes of declarations until the entry into force of the relevant implementing measures referred to in Articles 37a, 37b and 38a of this Regulation;
- (b) Articles 4 and 7 of that Regulation, which shall continue to apply until the entry into force of the relevant implementing measures referred to in Articles 37a, 37b and 38a of this Regulation.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex X.

Article 126

Transitional provisions

1. The certificates and specific airworthiness specifications issued or recognised and the declarations made or recognised in accordance with Regulation (EC) No 216/2008 and its implementing rules shall continue to be valid and shall be considered to have been issued, made and recognised pursuant to the corresponding provisions of this Regulation, including for the purposes of applying Article 56.

¹ NL asked to check whether Regulation 3922/1991 should not be repealed, as well.

2. Not later than [*five years after the date referred to in Article 127 – OP please insert the exact date*] the implementing rules adopted on the basis of Regulation (EC) No 216/2008 and Regulation (EC) No 552/2004 shall be adapted to the provisions of this Regulation. Until adaptation, any references in those implementing rules to:
- a) 'commercial operation' shall be understood as a reference to Article 3(i) of Regulation (EC) No 216/2008;
 - b) 'complex motor-powered aircraft' shall be understood as a reference to Article 3(j) of Regulation (EC) No 216/2008;
 - c) 'appliances' shall be understood as a reference to Article 3(28) of this Regulation;
 - d) 'leisure pilot licence' shall be understood as a reference to the licence referred to in Article 7(7) of Regulation (EC) No 216/2008;
 - e) 'commercial air transport' [...]
3. By way of derogation from Articles 45, 46, 47a and 47b, the relevant provisions of Regulation (EC) 216/2008 shall continue to apply until the implementing acts adopted pursuant to Article 47 enter into force.
4. Member States shall terminate or adjust existing bilateral agreements that they concluded with third countries, for those fields covered by this Regulation as soon as possible following the entry into force of this Regulation and in any event before [*three years after the date referred to in Article 127 – OP please insert the exact date*].

Article 127

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.