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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	11637/21 ADD 1 REV 1
Subject:	Amended proposal for a Regulation of the European Parliament and the Council on the implementation of the Single European Sky (recast) - Comments from Member States on the outcome of technical meetings with the EP for Chapter III

Delegations will find, attached, comments from GERMANY on the above mentioned subject.

• **Article 6 – Economic certificate**

118	<p>Our concern with the economic certificate was always, that the added value of separating the currently existing single certificate into two certificates was not clear. Therefore, DE is very happy that also the EP could be convinced to maintain the current set-up.</p> <p>With a view to the conditions defined by the EP, these are in principle acceptable based on the understanding, that this does not prevent a MS from assigning the task of the NSA and of the NCA to the same authority.</p> <p>In consequence, it would have to suffice, that the certificate is signed by the director of the combined authority, while the liability, in the sense of liability for any damages caused by either the NSA or the NCA, would rest with combined authority.</p>
120	In the compromise text as proposed by the EP the notion of the economic certificate is maintained. It is assumed, that this line has not been updated.
121	As the proposal reflects the GA, this is acceptable for DE.
123	Further clarification would be needed on the PCY comments in line 123. In our view, the cases of cross border service provision and the need to make working arrangements between NSAs is sufficiently covered by article 5, therefore the comment is not quite clear.
124, 124a/b	The PCY compromise text as suggested in line 124 and 124a/b on the role of the NSA in the certification process seems acceptable.
126	<p>Also, with regard to the comment in line 126 clarification would be needed. Does the comment relate to enabling the NSA to make a binding opinion? DE would consider it useful and sufficient to include in the EASA NBR a reference to the relevant provisions in the SES Recast.</p>
127	DE supports the comment made in line 127; the relevant provisions for the NCA need to be extended to the NSA.
EASA NBR	
76	Clarification would be needed as regards the relation between the proposed line 76 in the EASA NBR and the text proposed in line 124 and 124a. From the DE point of view, this seems to be a duplication.