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| From: | General Secretariat of the Council |
| To: | Working Party on Aviation |
| N° prev. doc.: | ST 11637/21 ADD1REV1 ST 9786/21 REV1 |
| 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 **FINLAND** on the above mentioned subject.

Chapter III – Service Provision

- **Article 6 Economic certification and requirements for ANSPs / Provision of services by ANSPs (Line 118):** Finland could support having one certification which includes both safety and economic requirements, and the NSA having a role in this process. However, the Parliament has proposed three criteria for such an approach: 1) NSA shall give binding opinion about the economic requirements to the national competent authority (NCA), 2) certificate is jointly signed by NCA and NSA, and 3) NSA is liable for wrong assessment of economic requirements. Finland can support NSA giving an opinion regarding the economic requirements and this opinion being binding to the NCA, who according to the proposal in line 76 of proposal for amending EASA regulation cannot certify an ANSP who does not fulfill the economic criteria. The proposal regarding co-signatures is superfluous, redundant and unnecessary, but could be acceptable, as long as this doesn't prevent NSA and NCA locating within the same organization. However, what does it mean for NSA to be liable for wrong assessment? In the text proposal for EASA regulation it says "*NSA is liable for the opinion provided*". First, does liability refer to legal or financial liability, could "be responsible for" be a more suitable wording? Second, why should NSA be liable for wrong assessment, and not the assessment in itself? There is something fundamentally odd regarding liability for wrong assessment.

Proposal for amending EASA basic Regulation (EU) 2018/1139

Amending Article 62 - Certification, oversight and enforcement

- **Line 76:** The Presidency compromise text proposes that "*the NCA shall rely on the work of the NSA referred to in Article 3 of [amended SES2+] and shall take into account the opinion provided by that NSA. In case of a negative opinion of the NSA, the NCA shall not issue a certificate. The NSA is liable for the opinion provided.*" This line is directly linked to the discussion above regarding SES2+ Article 6 and Article 3. As a technical question, why is here a reference only to Article 3 and not Article 6? Should there also not be the same wording as in Article 6 regarding the responsibility/liability of NSA?
- Further question, is there a possibility to give an implementing regulation regarding the economic requirements based on the EASA basic regulation or the SES2+?