



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2020) **XXX** draft

Annex I to EASA Opinion No 03/2020

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

At the fifth meeting of its 219th Session on 11 March 2020, the ICAO Council adopted amendments to ICAO Annex 16 Volume I ‘Aircraft Noise’, Volume II ‘Aircraft Engine Emissions’, and Volume III ‘Aeroplane CO₂ Emissions’. These amendments are based on the recommendations agreed at the 11th formal meeting of the ICAO Committee on Aviation Environmental Protection (CAEP/11) from 4 to 15 February 2019 and are the outcome of the work conducted during the 3 years preceding the meeting in accordance with the CAEP/11 Work Programme.

In accordance with Article 19(3) of Regulation (EU) 2018/1139, the Commission is empowered to adopt delegated acts to amend the references to the provisions of Chicago Convention referred to in the first subparagraph of Article 9(2) of that Regulation, in order to update them in light of subsequent amendments to those provisions which enter into force after 4 July 2018 and which become applicable in all Member States, in so far as such adaptations do not broaden the scope of that Regulation.

The specific objective of this proposal is to contribute to a high, uniform level of environmental protection by aligning environmental protection requirements uniformly with the ICAO SARPs contained in Annex 16 Volumes I, II and III.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft delegated act is based on EASA Opinion No 03/2020 whose contents had been publicly consulted through Notice of Proposed Amendment (NPA) 2020-06 ‘Implementation of the latest CAEP amendments to ICAO Annex 16 Volumes I, II and III’ (RMT.0514) published by EASA on 16 March 2020. 24 comments were received from the interested parties, including industry and national aviation authorities. EASA has addressed and responded to the comments received on the NPA in Comment-Response Document (CRD) 2020-06.

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law- Making.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts, in accordance with Article 128 of Regulation (EU) 2018/1139, to amend the references to the provisions of Chicago Convention referred to in the first subparagraph of Article 9(2) of that Regulation.

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

amending Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 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 3922/91¹, and in particular Article 19(3) thereof,

Whereas:

- (1) Aircraft, other than unmanned aircraft, referred to in points (a) and (b) of Article 2(1) of Regulation (EU) 2018/1139, and their engines, propellers, parts and non-installed equipment shall comply with the environmental protection requirements laid down in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139 and contained in Amendment 12 to Volume I, in Amendment 9 to Volume II, and in the initial issue of Volume III, all as applicable on 1 January 2018, of Annex 16 to the Chicago Convention.
- (2) Article 19(3) of Regulation (EU) 2018/1139 lays down the empowerment of the Commission to adopt delegated acts to amend the references to the provisions of the Chicago Convention referred to in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139, in order to update them in light of subsequent amendments to those provisions which enter into force after 4 July 2018 and which become applicable in all Member States.
- (3) On 11 March 2020, at the fifth meeting of its 219th Session, the ICAO Council adopted Amendment 13 to Annex 16 Volume I ‘Aircraft Noise’ to the Chicago Convention, Amendment 10 to Volume II ‘Aircraft Engine Emissions’ to the Chicago Convention, and Amendment 1 to Volume III ‘Aeroplane CO₂ Emissions’ to the Chicago Convention.
- (4) The references to the provisions of the Chicago Convention in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are based on Opinion No 03/2020 issued by the European Union Aviation Safety Agency (EASA) in accordance with Article 76(1) of Regulation (EU) 2018/1139,

¹ OJ L 212, 22.8.2018, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 9 of Regulation (EU) 2018/1139, the first subparagraph of paragraph 2 is replaced by the following:

‘As regards noise and emissions, those aircraft and their engines, propellers, parts and non-installed equipment shall comply with the environmental protection requirements contained in Amendment 13 to Volume I, in Amendment 10 to Volume II, and in Amendment 1 to Volume III, all as applicable on 1 January 2021, of Annex 16 to the Chicago Convention.’

Article 2

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.

Done at Brussels,

For the Commission
The President
[...]