

[Second additional list of amendments - containing substitute amendments.]

SEANAD ÉIREANN

AN BILLE AERLOINGSEOIREACHTA AGUS AERIOMPAIR, 2020 LEASUITHE COISTE

AIR NAVIGATION AND TRANSPORT BILL 2020 COMMITTEE AMENDMENTS

*Leasuithe agus Ionadacha Breise
Additional and Substitute Amendments*

**Government amendments are denoted by an asterisk*

SECTION 65

***3b.** In page 43, to delete lines 30 and 31 and substitute the following:

“(3) When preparing the statement of strategy, the company shall consult with stakeholders and may consult with any other persons it considers appropriate.”.

—*Senators Gerard P. Craughwell, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

[This amendment is in substitution for amendment No. 3b on the first additional list of amendments dated 2nd February, 2022.]

SECTION 66

***3e.** In page 44, to delete lines 19 and 20 and substitute the following:

“period of 3 years beginning on the relevant day and in each subsequent period of 3 years beginning on the expiration of the”.

—*Senators Gerard P. Craughwell, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

[This amendment is in substitution for amendment No. 3e on the first additional list of amendments dated 2nd February, 2022.]

***3fa.** In page 45, to delete lines 5 to 7 and substitute the following:

““(bb) The Minister shall cause a copy of the report under paragraph (a) to be published on a website of the Government.”.”.

[SECTION 75]

SECTION 75

***a4a.** In page 53, between lines 35 and 36, to insert the following:

“Aviation Stakeholders Forum and Licence Holders Charter

75. The Act of 1993 is amended by the insertion of the following section after section 65:

“65A.(1) Subject to subsection (2), the company shall, at such times as it may determine, convene a forum, to be known as the Aviation Stakeholders Forum, to foster the maintenance and improvement of aviation safety and to support the development of a positive aviation safety culture within the aviation community.

(2) The company shall, as soon as is practicable after, first, the commencement of *section 75* of the *Air Navigation and Transport Act 2022* and, second, consultation with aviation stakeholders, by notice published on the company’s website—

- (a) specify the number of members of the Forum,
- (b) determine the manner by which the members are to be nominated from recognised aviation trade unions and representative bodies, recognised aviation stakeholder groups, certified aviation organisations and other interested parties, and
- (c) determine the rules and procedures of the Forum.

(3) The Forum shall meet for the following purposes:

- (a) promoting the sharing of best practice aviation safety initiatives;
- (b) engaging with the company on matters relating to the regulation of aviation safety in commercial air transport;
- (c) the provision of views on proposals for European Union or national regulatory changes in relation to aviation safety;
- (d) the establishment of routine communication channels to enable the sharing of aviation lessons learned, best aviation practices, aviation safety performance indicators and the provision of information on specific aviation safety risks.

(4) The company shall, as soon as is practicable after consultation with the Forum, publish a charter, to be known as the Licence Holders Charter, on the company’s website setting out the standards of engagement that will be undertaken by the company with the holders of licences.

(5) Without prejudice to the generality of subsection (4), the reference to standards in that subsection includes a reference to standards relating to the following:

- (a) the principle of ‘just culture’ as defined in Article 2 of Regulation (EU) No. 376/2014 of the European Parliament and of the Council

of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation;

- (b) general principles and policies relating to enforcement actions undertaken by the company;
 - (c) the right to a response in writing from the company in relation to any refusal to grant a licence, suspension or revocation of a licence or amendment of a licence;
 - (d) the right to avail of an appeal mechanism in relation to any refusal to grant a licence, suspension or revocation of a licence or amendment of a licence;
 - (e) the right to make representations in relation to an enforcement action undertaken by the company;
 - (f) the general guidance that the company will give to the holders of licences as regards the discharge of their obligations as such holders.
- (6) In this section, ‘Forum’ means the Aviation Stakeholders Forum referred to in subsection (1).”.

***b4a.** In page 53, between lines 35 and 36, to insert the following:

“Crew peer support programmes

76. The Act of 1993 is amended by the insertion of the following section after section 65:

- “65B.** (1) (a) Subject to paragraph (b), the company shall, at such times as it may determine, conduct a review of the effectiveness of airline provisions concerning crew peer support programmes.
- (b) The company shall, not later than 12 months after the commencement of *section 75# of the Air Navigation and Transport Act 2022*, conduct a review.
 - (c) The company shall publish on the company’s website a report on the results of a review.
 - (d) A review shall consider the following:
 - (i) the use of the programme by pilots;
 - (ii) the pilots’ perception of the programme;
 - (iii) the protection of confidentiality;
 - (iv) the promotion, by accountable managers of recognised organisations of aircraft crew members, of the use of the programme and trust in it;
 - (v) the access and referral to professional advice as necessary,

[SECTION 75]

including referral to mental and psychological health professionals;

(vi) confidential arrangements for the temporary cessation of duty;

(vii) the process for returning to work;

(viii) resourcing;

(ix) accessibility, including online access;

(x) the selection and training of peers;

(xi) the independence of peers from management or supervisory functions or any other conflict of interest.

(e) In conducting a review, the company shall seek the direct feedback of pilots and other stakeholders, at the same time protecting the confidentiality of all information provided.

(2) Any deficiencies or opportunities for improvement identified by the company in the course of a review shall be dealt with directly through the company's oversight programme or through the State Plan for Aviation Safety, as applicable.

(3) Nothing in this section shall be construed to prejudice the generality of Commission Regulation (EU) No. 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council.

(4) In this section—

‘programme’ means a crew peer support programme referred to in subsection (1)(a);

‘review’ means a review referred to in subsection (1)(a).”.”.

[#This is a reference to a section proposed to be inserted by amendment No. a4a.]