



SEANAD ÉIREANN

**AN BILLE AERLOINGSEOIREACHTA AGUS AERIOMPAIR,
2020**

AIR NAVIGATION AND TRANSPORT BILL 2020

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE AERLOINGSEOIREACHTA AGUS AERIOMPAIR, 2020 —AN COISTE

AIR NAVIGATION AND TRANSPORT BILL 2020 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 59

1. In page 40, after line 37, to insert the following:

“Amendment of Act of 1993 - Licence Holders Forum

59. The Act of 1993 is amended by the insertion of the following section after section 14:

“Licence Holders Forum

14A.(1) The Irish Aviation Authority shall establish a standing body to serve as the collective statutory collaborative and consultative forum in relation to air safety and its regulation between the Irish Aviation Authority and persons or bodies that it licenses or authorises who are active in commercial aviation, to be known as the Licence Holders Forum.

- (2) Without prejudice to subsections (6) and (7), the Licence Holders Forum shall meet at least twice per annum at which the Irish Aviation Authority shall be represented by its Chief Executive and be accompanied by such other staff of the Irish Aviation Authority as necessary. Secretariat services shall be provided to it by the Irish Aviation Authority.

- (3) Each of the following may appoint one representative on the Licence Holders Forum:

- (a) any air carrier holding an Air Carrier Operating Licence issued under Regulation (EC) No. 1008/2008;

- (b) any recognised trade union or recognised stakeholder group representing 50 or more persons authorised to hold a commercial pilot’s licence or an airline transport pilot’s licence;

- (c) any recognised trade union or recognised stakeholder group representing 50 or more persons licenced or authorised by the Irish Aviation Authority other than holders of commercial pilot licences or airline transport pilot licences. Where the particular class of licensed person is less than 50, then 50 per cent of their actual number by function shall suffice.

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- (4) The Licence Holders Forum shall also comprise such other representatives of stakeholders in aviation safety as determined jointly by the representative of the Irish Aviation Authority and those persons appointed pursuant to subsection (3).
- (5) The Licence Holders Forum shall adopt its own procedures including arrangements with respect to the promotion of candour and the treatment of confidential information.
- (6) The Irish Aviation Authority shall consult the Licence Holders Forum at least 28 days in advance in relation to the following:
 - (a) its proposal of a draft statement of strategy pursuant to section 29A(1),
 - (b) its submission to the Minister of any report pursuant to section 32(1) or 32(2),
 - (c) its submission to the Minister of an aviation safety performance statement in accordance with section 32A(1),
 - (d) the adoption of a State Plan for Aviation Safety in accordance with Article 8 of Regulation (EU) 2018/1139,
 - (e) the making of a decision pursuant to section 36,
 - (f) in respect of its adoption of any implementing measures (including orders pursuant to section 58) to give effect to any domestic, European Union, or international law requirement concerning or relating to authorisation or licensing, and
 - (g) all proposed or requested initiatives concerning the authorisation of licencing of personnel or carriers.
- (7) The Irish Aviation Authority shall keep the Licence Holders Forum informed in relation to the following matters:
 - (a) the Irish Aviation Authority's fulfilment of its regulatory performance plan as an element of its aviation safety performance plan,
 - (b) the implementation and operation of the Licence Holders Charter adopted under section 14B,
 - (c) any concern of any representative as to technical or safety standards for aircraft or air navigation or anything affecting or likely to affect the safety of civil aviation, and
 - (d) any guidance, clarifications, or direction issued under the Charter adopted under section 14B.
- (8) Each representative on the Licence Holders Forum may propose for discussion anything in relation to—
 - (a) the licensing of persons or carriers involved in civil aviation,

- (b) safety concerns associated with any licence or authorisation issued by the Irish Aviation Authority, and
- (c) any issue concerning the safety of aircraft or air operations, whether or not regulated or subject to the oversight of the Irish Aviation Authority.”.”.

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

2. In page 40, after line 37, to insert the following:

“Amendment of Act of 1993 - Licence Holders Charter

59. The Act of 1993 is amended by the insertion of the following section after section 14:

“Licence Holders Charter

14B.(1) For the purpose of ensuring that the system of authorisation and licensing is operated in an integrated and transparent manner consistent with the protection of safety, the Irish Aviation Authority shall adopt and operate a Licence Holders Charter.

- (2) In this section, a Licence shall refer to any licence, permit, or authorisation that is granted by the Irish Aviation Authority to any person or body in connection with commercial aviation.
- (3) The Licence Holders Charter shall make provision for—
 - (a) the right of a Licence holder and their recognised stakeholder groups to obtain written general guidance from the Irish Aviation Authority as to any matter related to compliance with its Licence,
 - (b) the right of a Licence holder and recognised stakeholder groups to obtain specific written guidance from the Irish Aviation Authority, and where appropriate, direction on the interpretation of relevant legal requirements,
 - (c) the right of a Licence holder, in respect of any matter that arose or is arising in the course of the exercise of rights or the discharge of obligations under that Licence, to obtain a written ruling from the Irish Aviation Authority as to its compliance therewith, its duties, or authority,
 - (d) In respect of paragraph (c), a right to reconsideration of any such ruling by the Irish Aviation Authority, which to the fullest extent practicable, and such reconsideration shall be by persons other than the original decision maker,
 - (e) a procedure for regular publication of anonymised general guidance under paragraph (a) of specific guidance under paragraph (b), and subject to paragraph (d) any rulings under paragraph (c), and
 - (f) any incidental matters, including procedures.

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- (4) The Irish Aviation Authority shall be bound by the Licence Holders Charter in respect of its dealings with Licence holders. It shall be without prejudice to the requirements of law in relation to the termination, withdrawal, or suspension of any Licence.
- (5) Any right of a Licence Holder under this section may be exercised on its behalf by a recognised trade union or by a recognised stakeholder group.
- (6) The Licence Holders Charter shall reflect and take due account of each of the following:
 - (a) legal obligations of the relevant Licence holder and their corresponding duties independently of those of other Licence holders,
 - (b) the responsibilities of all Licence holders to take action where necessary to ensure compliance with their legal obligations,
 - (c) the need to approach compliance in an integrated manner by recognising the individual and collective role and responsibilities of all Licence holders, and
 - (d) the ‘Just Culture’ requirements of EU Regulation 376/2014.
- (7) Within 3 months of the date of the enactment of the *Air Navigation and Transport Act 2021* (the enactment date), following consultation of the Licence Holders Forum, the Irish Aviation Authority shall publish a draft Licence Holders Charter for public consultation and specify a period of not less than 2 months within which representations with respect to the draft Charter may be made by interested parties or the public.
- (8) The Irish Aviation Authority shall consider each of the representations made and provide written reasons for adopting, modifying or rejecting each submission before adopting the Licence Holders Charter, which shall occur no later than 6 months from the enactment date and whereupon it shall become effective.
- (9) Any amendments to the Licence Holders Charter shall be subject to the consultation requirements of subsections (7) and (8).”.”.

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

3. In page 40, after line 37, to insert the following:

“Amendment of Act of 1993 - Crew Peer Support Programmes

59. The Act of 1993 is amended by the insertion of the following section after section 14:

“Crew Peer Support Programmes

14C.(1) The Irish Aviation Authority shall periodically review the crew peer

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support programmes provided by the holders of air carrier licences or otherwise made available by them to crew pursuant to the requirements of CAT.GEN.MPA. 215 to Annex IV (Part – CAT) of Regulation (EU) No. 965/2012.

- (2) A comprehensive review of each such support programme shall be conducted by the Irish Aviation Authority at least every three years and no more frequently than at one year intervals, in respect of which the it shall consider the following:
 - (a) the nature of the programme having regard to the size and diversity of the air carrier in question,
 - (b) the ability of the programme to provide access to the requisite range of expert supports,
 - (c) the accessibility of such a programme including encouragement as to its use and the freedom of crew to access an alternative crew peer support programme to meet their personal needs,
 - (d) the adequacy of confidentiality arrangements,
 - (e) the involvement of crew representatives and recognised stakeholder groups in establishing and supporting the programme,
 - (f) the selection and training of peers, and their independence from any conflicting management or supervisory functions within the Air Operator’s Certificate holder or otherwise,
 - (g) the provision of adequate resources to the programme,
 - (h) the provision of mental health professionals to support peers when required by programme users, and
 - (i) the accessibility of programmes services and support by online and other electronic means.
- (3) In conducting these comprehensive reviews, the Irish Aviation Authority shall seek feedback from users of the programme to the maximum extent feasible, consistent with maintaining strict confidentiality concerning the identity of crew and their personal circumstances.
- (4) In the event of any deficiency in a crew peer support programme being found during a comprehensive review, the Irish Aviation Authority may direct changes to any such programme, which shall be binding. That shall be without prejudice to the ability of the Irish Aviation Authority’s power to direct changes in respect of deficiencies other than those identified during a periodic comprehensive review.
- (5) The Irish Aviation Authority shall convene the Crew Peer Support National Forum which shall be chaired by a person appointed by the Minister and include representatives of—

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- (a) the air carriers that it regulates and any persons engaged in the provision of support services to them or on their behalf, and
 - (b) pilot associations and other recognised stakeholder groups and any persons from those associations engaged in the provision of support services to them or on their behalf.
- (6) The Crew Peer Support National Forum, which shall receive secretariat services from the Irish Aviation Authority, has the following functions:
- (a) the sharing of best practice on crew peer support programmes,
 - (b) encouraging the implementation of cooperation and joint resource sharing between different crew peer support programmes,
 - (c) the development of a common (anonymised) database to identify trends and to monitor the effectiveness of crew peer support programmes,
 - (d) making recommendations to the Irish Aviation Authority as to the requirements of crew peer support programmes, and
 - (e) creating or encouraging the provision of a national crew peer support programme under a separate structure, whether through co-operation between programmes, or by other means, and to be accessible—
 - (i) by all crew irrespective of their employer,
 - (ii) by crew not willing to use the programme made available by their employer for personal confidentiality or other reasons, and
 - (iii) to crew who are out of work.”.”.

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

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4. In page 53, line 35, to delete “aircraft.” and substitute the following:

“aircraft.

- 63G.** (1) For the purposes of ensuring compliance with air carrier operating licence obligations (which is deemed for these purposes to include an air operator certificate) and compliance with any other obligation of any air carrier, the Irish Aviation Authority may cause such investigation as it thinks fit to be carried out.
- (2) The Irish Aviation Authority may, for the purposes of subsection (1), direct one or more authorised officers—
- (a) to carry out the investigation, and
 - (b) to submit to the Irish Aviation Authority an investigation report

following the completion of the investigation.

- (3) The Irish Aviation Authority may define the scope and terms of the investigation to be carried out, whether as respects the matters or the period to which it is to extend or otherwise, and may, in particular, limit the investigation to matters connected with particular circumstances.
- (4) Where more than one authorised officer has been directed to carry out an investigation, the investigation report shall be prepared jointly by the authorised officers so directed and this section and sections 63H to 63J shall, with all necessary modifications, be construed accordingly. The Irish Aviation Authority may designate one authorised officer as the principal investigator. Any reference to an officer is a reference to one or more officers as authorised.
- (5) As soon as is practicable after being appointed to carry out an investigation, the authorised officer shall—
 - (a) give the air carrier concerned notice in writing—
 - (i) where the examination concerned is being carried out in respect of a complaint, setting out the particulars of the complaint concerned, or
 - (ii) where the examination is being carried out of the Irish Aviation Authority's own volition, setting out the matters to which the investigation relates,
 - and
 - (b) afford to the air carrier an opportunity to respond to the notice under paragraph (a) within 7 days from the date on which the notice was given (or such further period not exceeding 28 days as the authorised officer allows).

63H. (1) An authorised officer who has been directed under section 63G(2) to carry out an investigation may, for the purposes of the investigation—

- (a) require a person, being an air carrier, or an employee or agent of such an air carrier, who, in the authorised officer's opinion—
 - (i) possesses information that is relevant to the investigation, or
 - (ii) has any record or document within the person's possession or control or within the person's procurement that are relevant to the investigation,to provide that record or document, as the case may be, to the authorised officer, and
- (b) where the authorised officer thinks fit, require that person to attend before him or her for the purpose of so providing that information, record or document, as the case may be,

and the person shall comply with the requirement.

- (2) A requirement under subsection (1) shall specify—
 - (a) a period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and
 - (b) as the authorised officer concerned thinks fit—
 - (i) the place at which the person shall attend to give the information concerned or to which the person shall deliver the record or document concerned, or
 - (ii) the place to which the person shall send the information, record or document concerned.
- (3) A person required to attend before an authorised officer under subsection (2)—
 - (a) is also required to answer fully and truthfully any question put by the authorised officer, and
 - (b) if so required by the authorised officer, shall answer any such question under oath.
- (4) Where it appears to an authorised officer that a person has failed or is failing to comply or fully comply with a requirement under subsection (2) or (3), the authorised officer may, on notice to the person and with the consent of the Irish Aviation Authority, apply in a summary manner to the Circuit Court for an order under subsection (5).
- (5) The Circuit Court, on hearing an application under subsection (4), where satisfied that the person concerned has failed or is failing to comply or fully comply with the requirement concerned, may—
 - (a) make an order requiring the person, within such period as the Court may specify, to comply or fully comply, as the case may be, with the requirement, or
 - (b) substitute a different requirement for the requirement concerned.
- (6) The administration of an oath referred to in subsection (3)(b) by an authorised officer is hereby authorised.
- (7) A person the subject of a requirement under subsection (1) or (3) shall be entitled to the same immunities and privileges in respect of compliance with such requirement as if the person were a witness before the High Court.
- (8) Any statement or admission made by a person pursuant to a requirement under subsection (1) or (3) shall not be admissible in evidence in proceedings for an offence (other than an offence under subsection (12)) brought against the person, and this shall be explained to the person in ordinary language by the authorised officer concerned.

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- (9) Nothing in this section shall be taken to compel the production by any person of statements, records or other documents or other information which would be exempt from production in proceedings in a court on the ground of legal professional privilege.
- (10) For the purposes of an investigation, an authorised officer may, if he or she thinks it proper to do so, of his or her own volition conduct an oral hearing.
- (11) Schedule 3 shall have effect for the purposes of an oral hearing referred to in subsection (10).
- (12) Subject to subsection (9), a person who—
- (a) withholds, destroys, conceals or refuses to provide any information or statements, records or other documents required for the purposes of an investigation,
 - (b) fails or refuses to comply with any requirement of an authorised officer under this section,
 - (c) in purported compliance with a requirement under this section, gives to an authorised officer information, documents or records which the person knows to be false or misleading in a material respect, or
 - (d) otherwise obstructs or hinders an authorised officer in the performance of functions under this Act,
- shall be guilty of an offence and shall be liable—
- (i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or
 - (ii) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years or both.
- (13) In this section, a reference to a document or record includes a reference to copies of such document or record.
- (14) The powers conferred under this section on an authorised officer to whom subsection (1) applies are in addition to the powers conferred on such an authorised officer under section 63C.
- 63I.** (1) Where an authorised officer has completed an investigation, he or she shall, as soon as is practicable after having considered, in so far as they are relevant to the investigation—
- (a) any information, records or other documents provided to him or her,
 - (b) any statement or admission made by any person,
 - (c) any submissions made, and

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- (d) any evidence presented (whether at an oral hearing or otherwise),
prepare a draft, in writing, of the investigation report ('draft investigation report') and give, or cause to be given, to the air carrier to which the investigation relates—
 - (i) a copy of the draft investigation report, and
 - (ii) a notice in writing stating that the air carrier concerned may, not later than 28 days from the date on which the notice was served on it (or such further period not exceeding 28 days as the authorised officer allows), make submissions in writing to the authorised officer on the content of the draft investigation report.
- (2) An authorised officer shall—
 - (a) as soon as is practicable after the expiration of the period referred to in subsection (1)(ii), and
 - (b) having—
 - (i) considered the submissions (if any) made in accordance with subsection (1)(ii), and
 - (ii) made any revisions to the draft investigation report which, in the opinion of the authorised officer, are warranted following such consideration,

prepare the investigation report and submit it to the Irish Aviation Authority with any such submissions annexed to it.
- (3) An investigation report and a draft investigation report under this section shall be in writing and shall state—
 - (a) whether the authorised officer—
 - (i) is satisfied that an infringement of a relevant provision or, as the case may be, a relevant obligation of the air carrier to which the investigation relates has occurred or is occurring, or
 - (ii) is not so satisfied,
 - (b) where paragraph (a)(i) applies, the grounds on which the authorised officer is so satisfied, and
 - (c) where paragraph (a)(ii) applies—
 - (i) the basis on which the authorised officer is not so satisfied, and
 - (ii) the authorised officer's opinion, in view of such basis, on whether or not a further investigation of the air carrier is warranted and, if warranted, the authorised officer's opinion on the principal matters to which the further investigation should relate.

Irish Aviation Authority to consider investigation report

- 63J.** (1) The Irish Aviation Authority on receipt under section 63I(2) of an investigation report, shall, for the purposes of the inquiry concerned, consider the report and any submissions annexed to it.
- (2) Where the Irish Aviation Authority, in considering the documents referred to in subsection (1), forms the view that further information is required for the purpose of enabling it to make a decision as to the existence of an infringement, it may, as it considers appropriate, do one or more of the following:
- (a) conduct an oral hearing;
 - (b) give the air carrier to which the investigation concerned relates—
 - (i) a copy of the investigation report, and
 - (ii) a notice in writing stating that the air carrier, within 21 days from the date on which the notice was served on it (or such further period not exceeding 21 days as the Irish Aviation Authority allows), make submissions in writing to the Irish Aviation Authority in relation to such matters as the Irish Aviation Authority may specify in the notice;
- or
- (c) direct an authorised officer to conduct such further investigation into such matters as the Irish Aviation Authority considers necessary having regard to the investigation report and submissions (if any) annexed to it.
- (3) Schedule 2 shall, with any necessary modification, have effect for the purposes of an oral hearing referred to in subsection (2)(a).
- (4) Sections 63H and 63I and this section shall apply to a further investigation conducted in compliance with a direction under subsection (2)(c), as if the reference to an authorised officer in those sections was a reference to an authorised officer directed under subsection (2)(c) to conduct the further investigation.

Power of the Irish Aviation Authority to decide to impose administrative fine

- 63K.** (1) The Irish Aviation Authority, in considering—
- (a) whether to make a decision to impose an administrative fine, and
 - (b) where applicable, the amount of such a fine,
- shall act in accordance with this section.
- (2) Where the Irish Aviation Authority has considered a report and any submissions in accordance with section 63J(1) and, as applicable, having regard to its exercise of any of its powers under section 63J(2) and the outcome thereof, it may decide to impose an administrative

fine in respect of any violation by an air carrier of an applicable requirement.

- (3) The maximum amount of a fine that may be imposed in respect of a violation is 10 per cent of the turnover of the air carrier in the most recent financial year for which audited accounts are available.
- (4) In setting the amount of an administrative fine, the Irish Aviation Authority shall take into account the following—
 - (a) the nature, gravity and duration of the infringement,
 - (b) whether it occurred negligently or intentionally,
 - (c) the degree to which the infringement endangered public safety,
 - (d) any relevant previous infringements by the air carrier, and
 - (e) the principle of proportionality.
- (5) The Irish Aviation Authority, as soon as practicable after—
 - (a) a decision to impose an administrative fine is confirmed under section 63L(3)(a), or
 - (b) the court decides, under section 63L(3)(b), to impose a different fine,shall give the air carrier concerned a notice in writing, requiring the air carrier to pay the amount of the fine concerned to the Irish Aviation Authority within the period of 28 days commencing on the date of the notice.
- (6) An air carrier shall comply with a requirement referred to in subsection (5).
- (7) All payments received by the Irish Aviation Authority under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.
- (8) In this section and section 63L, a reference to a decision to impose an administrative fine shall be construed as a reference to a decision by the Irish Aviation Authority to impose such a fine.

Appeal against administrative fine

- 63L.** (1) An air carrier that is the subject of a decision to impose an administrative fine may, within 28 days from the date on which notice of the decision concerned was given to it under section 63K(5) appeal to the court against the decision.
- (2) The court, on hearing an appeal under subsection (1), may consider any evidence adduced or argument made by the air carrier, whether or not already adduced or made to an authorised officer or the Irish Aviation Authority.

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- (3) Subject to subsections (4) and (5), the court may, on the hearing of an appeal under subsection (1)—
 - (a) confirm the decision the subject of the appeal,
 - (b) replace the decision with such other decision as the court considers just and appropriate, including a decision to impose a different fine or no fine, or
 - (c) annul the decision.
- (4) The court shall, for the purposes of subsection (3), take into account the matters set out in section 63K(4).
- (5) In this section, ‘court’ means—
 - (a) the Circuit Court, where the amount of the administrative fine the subject of the appeal does not exceed €75,000, or
 - (b) in any other case, the High Court.

Circuit Court to confirm decision to impose administrative fine

- 63M.** (1) Where an air carrier does not appeal in accordance with 63L(1) against a decision by the Irish Aviation Authority to impose an administrative fine on the air carrier, the Irish Aviation Authority shall, as soon as is practicable after the expiration of the period referred to in that subsection, and on notice to the air carrier concerned, make an application in a summary manner to the Circuit Court for confirmation of the decision.
- (2) The Circuit Court shall, on the hearing of an application under subsection (1), confirm the decision the subject of the application unless the Court sees good reason not to do so.”.”.

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

SECTION 82

5. In page 58, between lines 28 and 29, to insert the following:

“Amendment of Act of 1993 - insertion of Schedule 3

- 82.** The Act of 1993 is amended by the insertion of the text set out in *Schedule 4#* as Schedule 3 to that Act.”.

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

[#This is a reference to the Schedule proposed to be inserted by amendment No. 10.]

[SCHEDULE 1]

SCHEDULE 1

*6. In page 74, between lines 3 and 4, to insert the following:

“

European Union Regulation	
Air Navigation Service Provision	
1.	Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), as amended by Regulation (EC) No 1070/2009
2.	Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation), as amended by Regulation (EC) No 1070/2009
3.	Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation), as amended by Regulation (EC) No 1070/2009
4.	Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace
5.	Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), as amended by Council Regulation (EC) No 1361/2008 and Council Regulation (EU) No 721/2014
6.	Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management, as amended by Commission Implementing Regulation (EU) No 923/2012, Commission Implementing Regulation (EU) 2016/1006 and Commission Implementing Regulation (EU) 2017/2159
7.	Commission Regulation (EU) No 176/2011 of 24 February 2011 on the information to be provided before the establishment and modification of a functional airspace block
8.	Commission Implementing Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky, as amended by Commission Implementing Regulation (EU) 2020/587
9.	Commission Implementing Regulation (EU) No 1207/2011 of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky, as amended by Commission Implementing Regulation (EU) No 1028/2014, Commission Implementing Regulation (EU) No 2017/386 and Commission Implementing Regulation (EU) No 2020/587
10.	Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010, as amended by Commission Regulation (EU) No 2015/340, Commission Implementing Regulation (EU) No 2016/1185, Commission Implementing Regulation (EU) No 2017/835, Commission Implementing Regulation (EU) No 2020/469, as amended by Commission Implementing Regulation (EU) No 2020/1177 and Commission Implementing Regulation (EU) No 2020/886
11.	Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky, as amended by Commission Implementing Regulation (EU) No 657/2013, Commission Implementing Regulation (EU) No 2016/2345 and Commission Implementing Regulation (EU) 2017/2160
12.	Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation

[SCHEDULE 1]

European Union Regulation
(EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011, as amended by Commission Implementing Regulation (EU) No 2020/469 amended by Commission Implementing Regulation (EU) No 2020/1177
13. 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 3922/91, as amended by Commission Delegated Regulation (EU) 2021/1087
14. Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No. 677/2011
Air Navigation Communications
15. Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky, as amended by Commission Implementing Regulation (EU) No 923/2012, Commission Implementing Regulation (EU) No 428/2013, Commission Implementing Regulation (EU) 2016/2120 and Commission Implementing Regulation No (EU) 2018/139
16. Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units, as amended by Commission Regulation (EC) No 30/2009
17. Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units, as amended by Commission Regulation (EU) No 283/2011
18. Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky, as amended by Commission Implementing Regulation (EU) 2015/310, Commission Implementing Regulation (EU) 2019/1170 and Commission Implementing Regulation (EU) 2020/208
19. Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky, as amended by Commission Implementing Regulation (EU) No 2016/2345
20. Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky, as amended by Commission Implementing Regulation (EU) No 1029/2014
21. Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky, as amended by Commission Implementing Regulation (EU) No 657/2013, Commission Implementing Regulation (EU) 2016/2345 and Commission Implementing Regulation (EU) 2017/2160

*7. In page 74, to delete lines 4 to 44 and in page 75, to delete lines 1 to 47.

[SCHEDULE 3]

SCHEDULE 3

*8. In page 77, between lines 4 and 5, to insert the following:

“

European Union Regulation
Aviation Safety
1. 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, amended by Commission Delegated Regulation (EU) 2021/1087, 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 3922/91
2. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast), as amended by Regulation (EU) 2018/1139 of the European Parliament and of the Council, Regulation (EU) 2019/2 of the European Parliament and of the Council, Regulation (EU) 2020/696 of the European Parliament and of the Council, Commission Delegated Regulation (EU) 2020/2114 and Commission Delegated Regulation (EU) 2020/2115
3. 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, as amended by Commission Regulation (EU) No 800/2013, Commission Regulation (EU) No 71/2014, Commission Regulation (EU) No 83/2014, Commission Regulation (EU) No 379/2014, Commission Regulation (EU) No 2015/140, Commission Regulation (EU) No 2015/640, Commission Regulation (EU) No 2015/1329, Commission Regulation (EU) No 2015/2338, Commission Regulation (EU) No 2016/1199, Commission Regulation (EU) No 2017/363, Commission Regulation (EU) 2018/394, Commission Regulation (EU) 2018/1042, Commission Implementing Regulation (EU) 2018/1975, Commission Implementing Regulation (EU) 2019/1384, Commission Implementing Regulation (EU) 2019/1387 and Commission Implementing Regulation (EU) 2020/2036
4. 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, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 as amended by Regulation (EU) 2018/1139
5. Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council
6. Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended by Commission Regulation (EU) 2016/1158
7. Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010, as amended by Commission Regulation (EU) 2015/340, Commission Implementing Regulation (EU) 2016/1185, Commission Implementing Regulation 2017/835, Commission Implementing Regulation 2020/469, amended by Commission Implementing Regulation (EU) 2020/1177 and Commission Implementing

[SCHEDULE 3]

European Union Regulation	
	Regulation (EU) 2020/886
8.	Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended by Commission Implementing Regulation (EU) 2020/357
9.	Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council, as amended by Commission Implementing Regulation (EU) 2020/358
10.	Commission Implementing Regulation (EU) 2018/1048 of 18 July 2018 laying down airspace usage requirements and operating procedures concerning performance-based navigation
11.	Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, as amended by Commission Implementing Regulation (EU) 2020/639, Commission Implementing Regulation (EU) 2020/746 and Commission Implementing Regulation (EU) 2021/1166
12.	Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems, as amended by Commission Delegated Regulation (EU) 2020/1058
13.	Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), as amended by Regulation (EC) No 1070/2009 of the Parliament and of the Council
14.	Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation), as amended by Regulation (EC) No 1070/2009 of the Parliament and of the Council
15.	Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation), as amended by Regulation (EC) No 1070/2009 of the Parliament and of the Council
16.	Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance, as amended by Commission Regulation (EU) 2016/583
17.	Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011
18.	Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No. 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011, as amended by Commission Implementing Regulation (EU) 2020/469 amended by Commission Implementing Regulation (EU) 2020/1177
19.	Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013
Air Passengers	
20.	Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when

[SCHEDULE 3]

European Union Regulation	
	travelling by air, and corrected by Corrigendum to Regulation (EC) No 1107/2006
Aerodromes	
21.	Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended by Commission Regulation (EU) 2017/161, Commission Regulation (EU) 2018/401 and Commission Delegated Regulation (EU) 2020/2148
Airworthiness	
22.	Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (recast), as amended by Commission Regulation (EU) No 7/2013, Commission Regulation (EU) No 69/2014, Commission Regulation (EU) 2015/1039, Commission Regulation (EU) 2016/5, Commission Delegated Regulation (EU) 2019/897, Commission Delegated Regulation (EU) 2020/570, Commission Delegated Regulation (EU) 2021/699 and Commission Delegated Regulation (EU) 2021/1088
23.	Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as amended by Commission Regulation (EU) No 2015/1088, Commission Regulation (EU) No 2015/1536, Commission Regulation (EU) No 2017/334, Commission Regulation (EU) 2018/750, Commission Regulation (EU) 2018/1142, Commission Implementing Regulation (EU) 2019/1383, Commission Implementing Regulation (EU) 2019/1384, Commission Implementing Regulation (EU) 2020/270, Commission Implementing Regulation (EU) 2020/1159, Commission Implementing Regulation (EU) 2021/685 and Commission Implementing Regulation (EU) 2021/700
24.	Commission Regulation (EU) No 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012, as amended by Commission Implementing Regulation (EU) 2019/133, Commission Implementing Regulation (EU) 2020/1159 and Commission Implementing Regulation (EU) 2021/97
Administrative Procedures for Aviation Safety	
25.	Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended by Regulation (EC) No 1899/2006 of the European Parliament and the Council, Regulation (EC) No 1900/2006 of the European Parliament and the Council, Commission Regulation (EC) No 8/2008 and Commission Regulation (EC) No 859/2008
26.	Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 2016/2008 of the European Parliament and of the Council, as amended by Commission Regulation (EU) No 290/2012, Commission Regulation (EU) No 70/2014, Commission Regulation (EU) No 245/2014, Commission Regulation (EU) 2015/445, Commission Regulation (EU) 2016/539, Commission Regulation (EU) 2018/1065, Commission Regulation (EU) 2018/1119, Commission Implementing Regulation (EU) 2018/1974, Commission Implementing Regulation (EU) 2019/27, Commission Implementing Regulation (EU) 2019/430, Commission Implementing Regulation (EU) 2019/1747, Commission Implementing Regulation (EU) 2020/359, Commission Delegated Regulation (EU) 2020/723, Commission Implementing Regulation (EU) 2020/2193 and Commission Implementing Regulation (EU) 2021/1310
27.	Commission Delegated Regulation (EU) 2020/723 of 4 March 2020 laying down detailed rules with regard to the acceptance of third-country certification of pilots and amending Commission Regulation (EU) No 1178/2011

European Union Regulation	
Aviation Security	
28.	Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No. 2320/2002, as amended by Commission Regulation (EU) No 18/2010
29.	Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council, as amended by Commission Regulation (EU) No 297/2010, Commission Regulation (EU) No 720/2011, Commission Regulation (EU) No 1141/2011 and Commission Regulation (EU) No 245/2013
30.	Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security, as amended by Commission Implementing Regulation (EU) No 2016/472
31.	Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security, as amended by Commission Implementing Regulation (EU) 2015/2426, Commission Implementing Regulation (EU) 2017/815, Commission Implementing Regulation (EU) 2017/837, Commission Implementing Regulation (EU) 2018/55, Commission Implementing Regulation (EU) 2019/103, Commission Implementing Regulation (EU) 2019/413, Commission Implementing Regulation (EU) 2020/111, Commission Implementing Regulation (EU) 2020/910 and Commission Implementing Regulation 2021/255
32.	Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures, as amended by Commission Regulation (EU) 2016/2096
33.	Commission Regulation (EC) 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator, as amended by Commission Regulation (EU) No 82/2010, Commission Regulation (EU) No 115/2011, Commission Regulation (EU) No. 394/2011, Commission Regulation (EU) No 100/2012, Commission Regulation (EU) No 109/2013, Commission Regulation (EU) No 815/2013, Commission Regulation (EU) No 100/2014, Commission Regulation (EU) 2015/180, Commission Regulation (EU) 2016/282, Commission Regulation (EU) 2017/294, Commission Regulation (EU) 2018/336, Commission Regulation (EU) 2019/225, Commission Regulation (EU) 2019/226, Commission Regulation (EU) 2020/535 and Commission Regulation (EU) 2021/66

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*9. In page 77, to delete lines 5 to 45 and to delete pages 78 to 80.

[NEW SCHEDULE]

NEW SCHEDULE

10. In page 80, after line 16, to insert the following:

“SCHEDULE 4

“SCHEDULE 3

PROVISIONS APPLICABLE TO ORAL HEARING CONDUCTED BY AN AUTHORISED OFFICER UNDER
SECTION 63H

1. The authorised officer conducting an oral hearing under section 63H(10) for the purposes of an investigation may take evidence on oath, and the administration of such an oath by the authorised officer is hereby authorised.
2. The authorised officer may by notice in writing require a person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the investigation or to produce any documents, records, statements or other information within his or her possession or control or within his or her procurement.
3. Subject to paragraph 4, a person referred to in paragraph 2 may be examined and cross-examined at the oral hearing.
4. A person referred to in paragraph 2 shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court. That shall include the right to be accompanied by a lawyer and or by another adviser or assistant.
5. Where a person referred to in paragraph 2 does not comply or fully comply with a requirement referred to in that paragraph, the authorised officer may apply in a summary manner to the Circuit Court, on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.
6. The oral hearing shall be held otherwise than in public.”.

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