

A VISION FOR THE EUROPEAN AVIATION SAFETY AGENCY

Background

The future of the European Aviation Safety Agency (EASA) must take into account lessons learned during the unsatisfactory history and development of Eurocontrol.

The original intention when Eurocontrol was established was to create an integrated and coordinated air traffic management system throughout Europe that would operate to consistent standards, maximise available capacity and function cost effectively by taking full advantage of obvious economies of scale. However after four decades of operation Europe is still faced with a system that meets none of the original objectives. The implementation of the Single European Sky is still some time away with many states and service providers more concerned with the defense of sovereign or corporate interest than the achievement of a wholly integrated European system. Substantial regulatory and political effort has been required to develop and agree a 'road map' to chart the way forward to SES implementation.

It is essential that Europe's regulators and politicians learn from this experience in the development of the European Aviation Safety Agency. Whereas 40 years have been needed to begin to define the road map for the future integration of Europe's air traffic management system, no such road map exists for EASA.

Yet, there is a close parallel between SES objectives and the objectives that EASA should be following, namely

- the definition, implementation and consistent interpretation of safety-based operational and technical standards
- the clear definition of the role and future responsibilities (and thereby resource requirements) of the Agency and NAAs within EU Member States, and
- the achievement of reduced aggregate cost of safety regulation in Europe through economies of scale, elimination of duplicated activities and unbundling of non-core activities wherever possible.

It is noteworthy that no plan (and associated timescales) has been distributed to industry that attempts to address these fundamental issues.

Action is needed now

To avoid Eurocontrol's history repeating itself within EASA, it is essential and urgent that a road map for the future development of EASA be developed by the European Commission and EASA in consultation with national Aviation Authorities and industry stakeholders. The road map should define the ultimate 'vision' for EASA and the steps and timescales necessary to achieve this goal and to ensure that safety regulation does not become politicised.

Consistency throughout Europe

Industry expects EASA to ensure a 'level playing field' exists with respect to safety regulation that eliminates state equipment variants and guarantees equal competitive conditions. EASA should therefore be empowered to ensure compliance and consistency in the interpretation, application and implementation of regulations by individuals, organisations, NAAs and member States. As Europe's principal safety regulatory body, EASA should therefore also have powers to enforce the use of agreed

regulations and standards and to apply sanctions to NAAs or other institutions or bodies that do not comply. The absence of powers of enforcement and the ability to apply punitive measures where necessary will condemn EASA to being a perpetual burden on industry rather than a vigorous and internationally respected driving force for practicable, cost-efficient and common-sense safety regulation.

The European Commission together with the Agency should explore methods to give the Agency the powers and resources needed to allow it to become the true safety force in Europe's aviation regulatory theatre.

Agency Performance

At present, there is little formal pressure for the Agency to demonstrate and monitor its operational and economic performance. The European Commission and EASA should develop and agree in consultation with NAAs and industry stakeholders its own internal and outward-looking Key Performance Areas and Key Performance Indicators. Such performance measurements would give industry stakeholders greater faith in the Agency working ethos. Furthermore, there is no rationale for exempting the Agency from the business disciplines that are routinely required of normal commercial undertakings.

'Better Regulation'

Although EASA is exceptional in as much that its activities are driven by primarily by safety considerations, its working procedures and culture should also apply routinely the consistent disciplines in 'business case' decision-making. When EASA considers the proposal of new or amended regulations it should always formally apply standard principles of better regulation, namely:

- Identify the problem and outline the current consequences
- Assess the dimensions and significance of the problem
- Identify the affected parties
- Outline the objective to be achieved
- Establish whether regulatory action is necessary or if other solutions might be feasible
- Identify the minimum regulatory action necessary
- Conduct economic and safety impact assessments of the proposed regulation
- Monitor the enforcement and effectiveness of the subsequent regulation in delivering the original objectives

Unless the preceding principles are applied, industry stakeholders will continue to risk being burdened with unnecessary and ineffective regulations.

Future EASA/NAA Relationships

The future relationship between the Agency and NAAs is, to say the least, unclear, but it remains an issue of considerable operational and economic consequence to industry stakeholders, especially in view of the intended enlargement of the scope of EASA's responsibilities.

The European Commission and EASA should develop and agree in consultation with NAAs and industry stakeholders a transparent plan that defines the allocation of roles, resources and costs from between NAAs to EASA. The primary objectives of this plan should be to ensure that safety regulation



is effective but is undertaken at minimum cost for industry stakeholders. The plan should incorporate means by which EASA is able to constantly monitor the consistency of application and interpretation by NAAs of agreed regulations and standards.

In this context, it has to be recognised that the governance of the Agency by both the European Commission and the EASA Management Board would benefit substantially from the clearer definition outlined above. The EASA/NAA relationship is the fundamental problem. It becomes more and more visible, for example with the handling of airworthiness directives, permits to fly...It is far more likely to encourage Member States to protect national interest rather than facilitating the achievement of efficient and cost-effective safety regulation in Europe.

Future EASA/EC Relationship

It is understandable that the European Commission has a strong ambition to strengthen EASA's role so that it assumes responsibility for all aspects of safety regulation of aviation in Europe. However, two other vital factors need to be taken into account, namely:

- the regulation of aviation safety in Europe must not be politicised
- extension of EASA's responsibilities should be within the context of an agreed road map and compatible not with a political timescale but with the Agency's ability to acquire the necessary resources to undertake the additional functions.

Industry Consultation

The Agency has, thus far, consulted with industry via several expert panels, principally, the EASA Advisory Board and the Strategic Safety Consultative Committee and related sub-groups. However the Agency has consistently failed to take on board suggestions and advice offered by these bodies, nor has the Agency given reasons why such input has been discounted.

Although 'consultation' does not imply either 'negotiation' or the need to reach agreement, the consistent rejection of input from industry experts raises questions regarding the usefulness and objectives of the consultation processes that are undertaken.

The Agency needs to accept that the industry frequently has greater experience and knowledge than its own personnel and that greater recognition of industry input can add value and quality and ultimately operational validation and safety justification to new or amended regulations. In this context, industry regrets EASA decided not to make use of expert groups such as JAA Operations Sectorial Team, JAA Cabin Safety Steering Group...While EASA rulemaking groups work on specific topics, such expert group would provide EASA with consistent expertise on several similar topics at the same time.

Expert groups should also fill the transparency gap with respect to Guidance Material. Currently, Guidance Material is welcomed by stakeholders with some reservations because it is developed solely by EASA. Although it is intended as non-binding, it is often interpreted as binding. Guidance Material is not processed through Comitology and opens the door for uncontrolled changes in regulation without substantial improvements in quality and safety.

