

European Policy Focus

External relations and raising the profile of the association and its members



ERA's policy and technical department is running a comprehensive lobbying strategy in Brussels in 2015 in order to raise the profile of the association and to address and input into the many legislative proposals planned and underway.

The strategy includes proactive contact with the following institutions:

- the new European Parliament, MEPs and member states - this will be important as the new TRAN chair is a German representing the Green Party and is known to be hostile to aviation;
- European Commission DG COMP (Competition Directorate);
- European Commission DG MOVE (Transport Directorate);
- European Commission DG CLIMA (Climate Change Directorate);
- European Economic and Social Committee & Committee of the Regions; and
- Airport Regions Conference (ARC), and
- European Aviation Safety Agency (EASA).

The directorate has held a number of liaison meetings since the last edition of the European Policy Focus (EPF) with:

- Patrick Ky, Executive Director, EASA,
- Irish MEP Deirdre Clune, member of European Parliament TRAN Committee
- Swedish MEP Jens Nilsson, member of European Parliament TRAN Committee
- Marita Lintener, Liaison Officer Civil Airspace Users, SESAR Deployment

Manager

- Florian Guillermet, Executive Director, SESAR Joint Undertaking
- Søren Schønberg, Senior Advisor to Margrethe Vestager, European Commissioner for Competition

ERA group activities



ERA's groups continue to be the main working link between the ERA directorate and our membership and help drive the activities of the association. Since the last meeting of the ERA board the following meetings have taken place or are planned:

- chief financial officers group, planned for 10 June, London
- legal network conference call, 11 February
- industry affairs group, 23-24 March 2015, Dublin
- air safety group, 31 March-1 April, London Heathrow
- operations group, planned for 28-29 April 2015, EASA, Cologne
- ERA, FSF, Eurocontrol and flight safety joint event planned for 02-03 June 2015, Brussels

The existing groups have all produced end-of-year reports from 2014 summarising their achievements for last year. They are available from the ERA website and are being promoted and distributed to members. They can be found on the download sections of the group pages on the ERA website [here](#).

Considerable efforts are being made in 2015 to promote the ERA groups.



Inter-association activities

The ERA directorate continues to work closely with AEA, EBAA, ELFAA, IATA and IACA. Two standing coordination committees meet approximately every two months to coordinate actions on environmental issues (the CEFA group, which ERA currently chairs, met on 12 January in Brussels) and infrastructure issues. More informal catch-up meetings take place in Brussels on a monthly basis. The Directorate has also made presentations to BALPA and a planned presentation for ECA in April on safety and security matters.

European Commission strategy for aviation



Recent developments:

On 16 December 2014 the new European Commission released its full work programme outlining its policy priorities for the next 12 months. The document lays out the initiatives that the Commission will propose in the coming year, alongside on-going proposals that it plans to withdraw, amend, or review. For the aviation sector this move is reflected in the proposal of a new aviation package and the withdrawal of the ground handling regulation and aviation security charges directive, for which the Commission says no agreements are in sight.

The EC has now opened consultations on their 'aviation package for improving the competitiveness of the EU Aviation sector' and a review of the EC white paper on transport.

What we are planning

On 03 Feb ERA released its strategy document on the future of regional aviation at a media event. This document is being used as the basis for ERA's position on the consultations on aviation package and white paper review and can be found [here](#). The directorate will be coordinating responses to both of these consultations and consulting with members in the process.

Timescales

The directorate's response to the aviation package and white paper review are planned for completion by mid May 2015.

Industry affairs issues



Air passenger rights

Current position

On 13 March 2013 the European Commission published its proposal to revise EU 261/2004 (originally expected by the end of 2012) and a major work exercise has been undertaken since, with regular reports to members. ERA's full position on air passenger rights can be found [here](#).

Recent developments

The Italian presidency (June-December 2014) was unable to broker an agreement due to the UK/Spain diplomatic dispute over Gibraltar, which is still blocking progress. Additionally, some recent EU and national courts' rulings may undermine the industry lobbying efforts in the revision process of EU Regulation 261/2004.



On 12 February, ERA manager policy and technical attended an inter-association (AEA, ELFAA, IACA, and IATA) meeting in Brussels to discuss about the most recent developments on air passenger rights and to agree the next lobbying initiatives.

Latvian EU Presidency

The Latvian presidency has been re-vamping discussions at aviation working group level based on the progress report adopted in June 2014. Key open issues include: trigger points (for delay compensation), connecting flights and extraordinary circumstances.

The general view is that, due to the highly controversial nature of this dossier, not to mention the unresolved issue of Gibraltar, another progress report is the most realistic achievement to be expected by the June 2015 council meeting. According to some industry intelligence, the European Commission is so frustrated with the slowness of the entire process that may make concessions to the European Parliament. A summary of the key issues still under debate is included below:

Trigger Points:

Germany, Spain, Austria and Finland (not forming a blocking minority yet) are in favour of having 3 hours as the first delay threshold triggering financial compensation. According to the latest information received, other countries may follow the example and the Latvian presidency has recently proposed a compromise based on 3-5-9 trigger points with considerable reduced amounts linked to the flight distance (see table below).

Distance (km)	Delay (hr)	Amount (EUR)
0 - 1500	> 3	100
	>5	150
	>9	200
1500-3500	>3	150
	>5	250
	>9	300
3500 – more	>3	200
	>5	300
	>9	400

The European airspace user associations are concerned that the Council may already give up on the trigger points, and the Parliament is unlikely to accept any higher delay threshold than 3 hours. IATA, supported by ERA and the other associations, made it very clear to the Latvian Presidency that yielding so early on the trigger points may give the European Parliament more power to seek further concessions on other issues.

Missed connecting flights

The industry has recently proposed a draft compromise to the Latvian Presidency based on the following points:

1. compensation to be calculated on a flight basis (instead of on a journey basis)
2. better care and assistance to passengers missing a connecting flight by:
 - a. Deleting reference to connections in the EU only (on a flight basis the extraterritoriality problem dissolves). If a flight basis is accepted, any flight departing the EU to any airport in the world would be in the scope. Therefore passengers will receive care when they miss a connection also in a non-EU airport, as long as the feeder flight is in



- the scope of the Regulation;
- b. Adding the payment by air carriers of transit taxes.

Extraordinary Circumstances:

ERA continues to be concerned with the impact of recent court rulings on the revision of EU 261 and in particular the proposed new annex of items that can be considered as extraordinary.

What we are planning

The revision process of EU Regulation 261/2004 on air passenger rights is far from complete. Following final adoption of the Parliament position, the EU member states (Council) must then agree their own position before the final law is adopted. ERA will continue to lobby to redress some of the key areas of concern emerging from the recent Parliament's vote.

The March 2015 industry affairs group discussed the latest updates on the revision process of EU Regulation 261/2004 and provided another good opportunity for ERA members to share their main concerns on the recent case law and to further steer the Directorate's lobbying actions. ERA is working closely with IATA on lobbying during the Latvian EU Presidency (January-July 2015).

Timescales

Negotiations between the European Parliament and the Council may resume in mid-2015 and, the EU Council may agree a simple progress report in June 2015 with a view to adoption of the regulation by the end of 2015.

Environmental issues



EU Emissions Trading Scheme Developments (EU ETS)

Current position

On 30 April 2014 the new EU Emissions Trading System (ETS) regulation was published in the *Official Journal of the European Union* and is now fully in force in Europe. The new legislation, Regulation No 421/2014, amends the geographic scope of the scheme. Specifically, the regulation now exempts operators from the obligation to submit verified reports and having to surrender allowances for flights to and from non-EEA airports (EU 28 member states plus Iceland, Lichtenstein and Norway) for emissions produced in years 2013, 2014, 2015 and 2016.

Recent developments

With the adoption of the new EU ETS legislation, attention is now focused on the ongoing discussions at ICAO level to find an international agreement on a global market-based mechanism (MBM) by 2016 that may, in principle, supersede the European scheme. ERA has been invited to attend the ICAO Global Aviation Dialogues (GLADs), scheduled in Madrid on 27-28 April. GLADs are a forum for information and exchange of ideas between States and stakeholders. The main objective of the GLADs is to outreach to those States that are not directly engaged in the ICAO Council or in other political and technical groups supporting ICAO.



What we are planning

Through the Council for Environmentally Friendly Aviation (CEFA), ERA is following the developments at ICAO level and is working closely with IATA to defend the peculiar interests of the European airlines and, more specifically regional airlines. The next CEFA group, chaired by ERA and including AEA, EBAA, ELFAA and IACA is on 20 April 2015.

Timescales

Agreement at ICAO level is not expected until at the earliest 2016.

Italian regional tax on aircraft noise

Current position

Following a decision in 2012 by the Italian Court of Accounts, some Italian regions (Lombardia, Lazio and Emilia Romagna) have adopted (or are about to implement) a new tax on aircraft noise named IRESA (Imposta Regionale sulle Emissioni Sonore degli Aeromobili). It is up to each region to decide on the specific tax level and amount, to be set within a range of values and parameters deliberated by the conference of the regions last December.

Recent developments

Having been altered to this development, the directorate informed members about the new tax and contributed to the industry's immediate reactions, coordinated by IATA, towards the European Commission (DG Mobility and Transport), the Italian Civil Aviation Authority (ENAC) and the Italian regions concerned.

Following a legal confrontation between Lazio Region and national Government, on 13 February the Italian Constitutional Court reaffirmed the legitimacy of the latter's instances to impose a cap on IRESA. In its decision, the Constitutional Court held very clearly that the € 0.50 per tonne cap, deliberated by the Italian Government and ratified by the Parliament in February 2014, is fully legal and legitimate. This is a remarkable success scored against the arbitrary IRESA tax levels unilaterally imposed by the Lazio

regional authorities as of March 2014, when they started issuing invoices on a flat rate up to 5 times higher than the € 0.50 cap and totally unrelated to the ICAO Certification Noise Standard levels.

Due to the complexity of various and parallel legal actions in place before the National Tax Courts, the Directorate is working very closely with IATA and with the Italian Board of Airline Representatives to fully assess the immediate consequences of the Constitutional Court's decision and to receive useful recommendations on the next steps.

In a very constructive meeting held on 6 March between Lazio Region and several industry associations (Airlines Operators Committee Fiumicino, Assaereo, IATA, IBAR, Users Committee Fiumicino and Assaeroporti), Lazio Region admitted that the amount of pending legal actions against IRESA, launched by air carriers and supported by the operators' associations before the tax courts, has now changed the entire scenario and the Region is ready to negotiate a compromise with the industry. A full detailed briefing is available on request to the directorate. The new approach adopted by Regione Lazio seems to be going in the right direction but the directorate will keep monitoring the situation very carefully.

In mid-March, the authorities of Campania Region finalized an agreement with Naples-Capodichino's Airport Manager (GESAC) to define technical aspects and details for collection of the IRESA amounts due for 2013 and 2014 and a full detailed briefing is available on request to the directorate.

What we are planning

The directorate continues to proactively lobby against the adoption of any further distortive and punitive tax on aviation and will provide its contribution to Assaereo, IBAR, and IATA. CEFA will reaffirm the industry's position to demonstrate the negative impact of the tax. The directorate is currently gathering further information from Naples' airport manager



(GESAC) and IATA on the actual IRESA parameters and levels applicable to 2013 and 2014 flight movements.

Timescales

CEFA will cover this issue at the next meeting, scheduled in Brussels on 20 April 2015, and will provide members with any further updates.

Spain - Catalonia NOx Tax

Current position

The tax proposed in December 2013 by the Catalonia Regional Government applicable to passenger flights to/from Barcelona El Prat (BCN) based on NOx emitted by aircraft per landing and take-off cycle (LTO) and modulated according to the number of movements (takeoffs) for each aircraft type (capped at 20 000) multiplied by NOx weighted average factor (Kg) applicable to each aircraft type in the fleet. A general tax rate of 3 EUR per kg of NOx for the share of pax on intra-EEA flights (and not connecting through Catalonia) is imposed. A reduced tax rate (1.5 EUR per kg of NOx) is also envisaged for the share of pax on non-EEA flights or connecting pax.

Recent developments

The tax was adopted by the Catalan Parliament in October 2014. The Directorate reacted to this tax on behalf of CEFA members and sent a letter to the Catalan Authorities in coordination with IATA. The Spanish National Authorities have publicly criticised this tax and confirmed they have sought to assess the impacts of the tax on competition and the environment. At the moment, it is still unclear whether the central Government will challenge the tax before the Supreme Court or take any other measures.

What we are planning

The Directorate continues to proactively lobby against the adoption of any further distortive and punitive tax on aviation and will provide its contribution to members operating to and from Barcelona El Prat. CEFA will monitor the future implementation of the tax and seek advice on

behalf of members to legally challenge it. According to the initial indications received, only those airlines subject to the tax -and once they receive the invoices- are entitled to challenge the tax in lower courts.

Timescales

The collection process will be defined and regulated in mid-2015 and airlines will have to self-assess their liability under the tax and declare it to authorities. First tax period: calendar year 2015 (no liability for emissions on 2014). First tax declaration and payment: due in 2016 (for emissions in 2015).

Technical issues

SESAR deployment planning 2014-2020 for regional operators

Current position

The SESAR Deployment Manager (DM), the body tasked with ensuring a smooth and coordinated deployment of SESAR technology was officially launched by the European Commission in December 2014. The DM is now ramping up its activity.

Recent developments

The DM has an important role to play in relation to execution of aviation infrastructure projects that are funded by the EC. The DM will work with operational investors (airlines, airports and air navigation service providers) in the various projects. The SESAR Joint Undertaking is delivering technology which is ready to be deployed based on successful R&D and through large scale demonstration which will be implemented by the DM. Following a launch event for the DM, representatives of the ERA directorate met with Marita Lintener, DM Civil Airspace Users Liaison Officer to discuss the transparency of the DM and to seek assurances that all stakeholders would be represented by the DM.

What we are planning

ERA will engage with the DM at all levels and shall seek to propose suitable projects for consideration for the next funding call for which



annually €300m will be available to stakeholders. Proposals are assessed and managed by the DM when awarded. The next funding call is expected by mid-2015 for subscription by operational stakeholders.

Review of EASA basic regulation



Current position

In May 2014 the European Aviation Safety Agency (EASA) issued an advanced notice of proposed amendment (A-NPA) to update and improve regulation (EC) No 216/2008 (the EASA basic regulation) in order to make it best respond to changes to the aviation environment and subsequent challenges to its safety.

This initiative is based on a variety of established high-level policies and technical deliberations that took place over the last years and identified current issues and possible areas of improvement. These inputs were reflected upon in this A-NPA.

Consequently, it remained at a high generic policy level and refrained from addressing technical or legal details which will be dealt with at a later procedural stage, if necessary.

Focussing on these objectives, the A-NPA addressed seven different areas of potential change in order to increase the effectiveness of the European aviation system:

- a performance-based and integrated

approach to safety;

- modernising and updating EASA's safety remit;
- extending EASA's remit beyond safety;
- optimising the use of available resources;
- ensuring an adequate and stable funding for EASA;
- further integration of aviation aspects; and
- aviation regulation beyond the EASA's facets.

Recent developments

The EASA opinion in response to the A-NPA was published on 13 March, this will be considered by the EC and EP, after which DG MOVE is expected to publish the amended regulation by autumn 2015.

The opinion supports an EC policy initiative, whose aim is to improve the performance of the European Union (EU) aviation system. To this end, this opinion identifies the most appropriate ways to update the EASA Basic Regulation in order to make it best respond to changes in the aviation environment and subsequent challenges to its safety. The opinion is based on a variety of established, high-level policies and technical deliberations that took place over the last years and identified current issues and possible areas for improvement.

In line with the approach presented in the A-NPA, this opinion remains at high, generic policy level and, therefore, does not contain any draft legal text. It addresses the areas of potential change, which were presented in the A-NPA. The Opinion concludes in suggesting a variety of changes to the respective technical fields. However, many of those technical fields, while being significant and important — like the performance-based approach, safety training, and environmental protection, will lie mainly outside the scope of the Basic Regulation. The directorate is carefully analysing the opinion with a view to producing an ERA position on each of the topics addressed.



Timescales

The directorate will ensure that this opinion is discussed by members at the upcoming industry affairs, safety and operations groups and will undertake to make a detailed evaluation of the proposals in order to have a consolidated ERA position for use in development of the opinion.

Single European sky developments, the industry consultation body (ICB) and user charges

Current position

As part of its work on SES issues, ERA monitors closely development of ATM user charges across Europe. As part of the proposed changes to charges in 2015, DFS (Deutsche Flugsicherung), who are responsible for German air navigation charges, initially announced plans to increase its charges by around 30 per cent in 2015. This increase has caused great concern to all European associations including ERA and was challenged in meetings (EU single sky committee), in writing (letter to EC single sky unit) and publically (via a joint association press release) in the last quarter 2014.

Recent developments

The following is a summary of the latest situation in respect of the German charges:

- In January 2015 the EC rejected the reference period 2 (RP2) performance plans of 7 EU states including Germany. These performance plans laid out the cost base of Germany (and DFS) for the period 2015-2019
- In the meantime DFS set their 2015 unit rate based on the (now) rejected plan despite a request from the EC not to do so in late 2014
- Germany now needs to submit a revised plan before the summer, there is no hard deadline
- The EC are in negotiations with Germany to ensure that the second submission will be accepted
- If the revised plan is accepted, it will impact

the cost base for the period 2015-2019 and as such the 2015 unit rate

- Germany could request a mid-year unit rate adjustment to revise their rate downward and also allow operators to claw back the overcharging in the early part of the year
- There is no intelligence at this stage (that ERA has at least) on what the status of the revision of the plan for Germany is but we continue to monitor the situation for news

What we are planning

At this stage there is no concrete action being undertaken other than staying in close contact with the EC to ensure we are kept informed of any development in the negotiations between the EC and Germany

Timescale

Revised performance plans will be submitted by summer 2015, no hard deadline has been set by the European Commission for approval.

Security developments



Current position

The European Commission has enabled implementing legislation to consider 'small amendments' to existing legislation, without having to go through the full process of new regulations and recent amendments have been published and ERA member airlines and airports are advised to contact their security control authority to ensure compliance.



Recent developments

ERA, together with the other airspace user associations, has proposed discussions with DG-MOVE (the EC department responsible for aviation security) and member states to discuss alternative security measures, using 'risk-based' concepts already successfully applied to mitigate aviation safety. Discussions have started with a number of member states to modify aircraft search procedures to better focus on the discovery of improvised explosive devices (IEDs).

There have recently been advanced security checks on passengers and cabin baggage at a number of EU airports following intelligence of credible threats to aviation. These 'more stringent measures' remain an individual state responsibility, based on their own respective threat assessment.

Discussions will continue in 2015 on the possible introduction of the collection and management of advanced passenger information data (API), Pre-departure checking schemes (PDCS), interactive PDCS, passenger name records (PNR) to combat both terrorism and serious crime.

Airspace users have also successfully challenged DGMOVE as to the effectiveness of the current consultation process with industry as this was felt to be far more 'reactive' than 'proactive'. DGMOVE has agreed to allow the agenda to be more specifically focussed on industry stakeholder priorities and the representative associations will be submitting regular topics for presentation and discussion.

Following a meeting with the EC acting director for aviation security, the directorate had also requested that 'in flight' security measures are included in the Commission's work programme as these have not been properly addressed, despite lobbying by the directorate for a number of years. Such measures run the risk of being duplicated by a number of control authorities including the Commission, EASA

and Eurocontrol. A questionnaire was disseminated to members to establish if states have communicated robust threat assessment procedures to airlines. The directorate was invited to make a presentation at the March SAGAS meeting.

ERA members are asked to note that new hold baggage and explosive trace detection (ETD) cabin baggage screening equipment will be progressively trialled and introduced during 2015 to meet new EC regulatory requirements. This is likely to increase charges for baggage screening and Board members are encouraged to liaise with airports to ascertain the operational impact of new technology, particularly on passenger throughput at airport security points.

What we have done

The ERA directorate joined the liquids aerosols and gels (LAGs) 'statement of intent' working group to ensure that member's concerns are taken into account as the progressive introduction of technology for the screening of these items continues.

The first phase of duty-free screening on international transfer flights was implemented in January 2014. Following extensive operational trials during the summer of 2014 on a possible 'phase two' alleviation of screening of bottled water, the number of false alarm rates, extended time for passenger screening and lack of approved screening equipment has meant that it is not possible to screen for water at this time. Trials will continue, however the new cabin baggage ETD requirements in 2015 will take priority over new LAGs screening.

The UK Home Office has undertaken an extensive consultation regarding the possible requirement for API collection for passengers into / out of the UK. Political pressure has been strong following several high profile cases of European nationals travelling to / from Syria. They have sent a representative to update ERA's Industry Affairs group in March.



What we are planning

The directorate is still considering developing 'best practice' advice for ERA airlines on dealing with disruptive passengers. A questionnaire to establish the dimension of the problem within ERA member airlines, what mitigation strategies airlines might already employ or training received. A questionnaire was distributed via ERA's safety group and will be discussed at the next safety meeting with a view to ERA holding a future workshop.

Air safety issues



Current position

The focus of ERA's air safety activities is through the Air Safety Group (ASG). The Directorate will hold three dedicated meetings in 2015 and will hold a joint safety event with Eurocontrol and the Flight Safety Foundation in June 2015.

Recent developments

A new ERA Safety Targeted Awareness Report (STAR) has been published covering how flight crew should deal with an in-flight fire. An additional STAR covering the role of the safety manager has been drafted and will be discussed at the forthcoming ASG meeting prior to publication.

Following recent high profile aircraft accidents, ICAO in consultation with world-wide state authorities and an IATA joint task force are in the process of developing global requirements

for additional aircraft tracking and recording and they are expected to produce a report in spring 2015.

In Europe the European Commission and EASA are progressing 'Work in Progress' following Regulation 965/2012 regarding changes to requirements in Flight Data recording and Flight Tracking and looking to develop multi layered 'Concept of Operations' for Aircraft Tracking (normal operations) / Aircraft Tracking (abnormal operations), Autonomous Distress Tracking and Automatic Deployable Flight Recorders.

Their goal is to produce some high level guidance by spring 2015 and publish new equipment mandates in 2015 to be implemented to provide additional capability beyond SSR Transponders for new aircraft and for the existing fleets to fully utilise equipment currently installed.

Currently new requirements are envisaged to be applicable to all aircraft over 27,000 kgs and operating oceanic or trans-oceanic flights.

On 6 February EASA published a letter informing stakeholders of its proposal to consult a draft decision following feedback on the implementation of AMC1 CAT.IDE.A.285 (a) covering the deployment/use of infant life jackets. Members were canvassed for comments which were uploaded via the Commissions Communication and Information Resource Centre for Administrations, Businesses and Citizens (CIRCABC).

What we have done

The directorate attended a recent meeting of the CAA Ground Handling and Operational Safety Team (GHOST) at Cranfield University, with particular interest in the on-going issue of connecting GPU's to aircraft with engines running. It was identified that the main problems arise when there are multiple airlines, aircraft types and handling agents involved, with little or no standardisation. The meeting learned about a recent case-study



conducted at Amsterdam Schiphol whereby connecting to live aircraft has been a common practise over the past 18 months with no reported incidents. A further risk assessment at Manchester Airport has commenced: trials will determine future procedures and a full report will be shared at the next GHOST meeting.

The directorate attended the regular meeting of the AEA de-icing/anti-icing working group on 17-18 March, and discussed winter operational issues raised by ERA members. Of particular concern to member airlines is the increase in the use by airports of environmentally friendly tarmac de-icing fluids. Such fluids have a corrosive effect on aircraft components and more seriously cause catalytic carbon brake oxidation which present both cost and safety implications to the airlines. It was learned during the meeting that several airlines have been working with various stakeholders including aircraft manufacturers, IATA, ACI and brake manufacturers to try and agree the provision for a tarmac de-icing fluid that is both environmentally friendly and non-corrosive, although progress has been slow. The directorate will be monitoring this issue closely and will maintain awareness at the next AEA meeting planned for 2-3 June 2015.

What we are planning

It is hoped to organise the participation of cabin crew safety experts at a future meeting of the ASG to consider specific 'cabin' issues such as the handling of disruptive passengers on smaller aircraft operating with minimum cabin crew.

The directorate attended an International Foundation for Public Aviation (IFPA) seminar at Amsterdam Schiphol focusing on conflict zones, following the MH17 disaster. Of particular interest will be where the responsibility ultimately lies regarding the rules governing the warnings/closure of airspace, and what operational and legal measures airspace users should follow with regards to observing such warnings.

ICAO is looking to establish information on their website to provide airlines with advice on operating flights over conflict zones; the directorate will disseminate further information as it becomes available.

The directorate is planning to participate at this year's IATA cabin safety event on 5-7 May in Paris. The three day event will address various cabin safety issues by blending workshops, panels, interactive case study analysis and traditional plenary sessions. The directorate has negotiated a 20 per cent discount for ERA members that wish to participate and details have been published on ERA's website [here](#).

The ASG is evaluating offering additional briefing and training for operators not routinely equipped with TCAS and operational changes of new TCAS V7.1. The Directorate is also evaluating the potential benefits of running an SMS course independently from the ASG.

Following the success of the last two years joint ERA, FSF and Eurocontrol safety event in Brussels, it has already been agreed ERA will support a similar event on 2-3 June 2015 with 'automation' as the focus. More details can be found [here](#).

The directorate will evaluate the recently published EASA European aviation safety plan 2014-2017 in order to produce a 'roadmap' for ERA members of key issues and work areas that may affect their operation.

ERA will continue to monitor and promulgate any revisions to aircraft tracking or data recording requirements.



Air and ground datalink equipage



Current position

Since Commission Regulation (EC) No 29/2009 laying down requirements on data link services for the Single European Sky entered force in February 2009, it has become apparent that the proposed implementation of data link services is not going to be easily achieved.

For airborne equipage, the mandated forward fit date was 1 January 2015, with retro-fits to follow by 5 February 2015, but as of June 2014 Commission figures stated that only 40 per cent of operators would be ready to use air, ground and data link by 5 February 2015, with the remainder following by 2017. Equipage rates of ground-based equipment has also been poor with many ANSPs able to take advantage of airborne equipage.

Recent developments

As reported to members in January, following a number of issues regarding technical frequency, equipment availability and delays to implement by ground stations, the European Commission has now published the amended Data Link Services (DLS) Implementing Rule Regulation (EC) No 29/2009 dated 26FEB2015. The Implementing Regulation was published in the Official Journal of the European Union following the recent EASA report, and the outcome of various consultations held in 2013 and 2014 and following positive opinion by the Single Sky

Committee during its meeting of 14/15 January 2015 (SSC55).

The amended regulation can be summarised as follows:

- The regulation applies to all flights operating as general air traffic in accordance with Instrument Flight Rules within the airspace above FL285
- New ground DLS implementation date moved from 7 February 2013 to 5 February 2018,
- New airborne DLS implementation date moved from 5 February 2015 to 5 February 2020,
- The regulation shall not apply to aircraft with an individual certificate of airworthiness issued before 1 January 2014 that are already equipped with data link equipment
- The regulation shall not apply to aircraft first issued an airworthiness certificate before 31 December 2003 which will cease operations in the described airspace before 31 December 2022
- The regulation shall not apply to state aircraft with the exception of those state aircraft entering service after 1 January 2019 with data link capability relying on standards which are not specific to military operational requirements.

What we are planning

The SESAR Deployment Manager will be charged to regularly review implementation status and the ERA Directorate will forward additional details as they become available.

The Directorate is considering how to lobby for compensation for those members who have equipped in compliance with the original mandate and those who may be disadvantaged by the delayed implementation.

Contingency planning and crisis response

Current position

In 2011 the ERA Directorate published a co-branded document with ERA member Gates



and Partners titled personal and corporate responsibility and liability in air accidents and incidents. The document provided advice to members on dealing with the growing trend of corporate liability and prosecution. This document has been updated in partnership with ERA member Hill Dickinson and it will be republished in April 2015.

Recent developments

A full review of the 2011 document has been undertaken by ERA member Hill Dickinson with a view to publishing an updated document in April 2015.

What we are planning

The updated document will be launched at the ERA Regional Airline Conference in April 2015. A presentation is being made on the topic at the CEOs meeting and the launch will be accompanied with a press release.

