



# Annual Report 2005

European Cockpit Association | October 2004 - October 2005

**European Cockpit Association**



## **ECA Annual Report**

**October 2004 – October 2005**

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**N.B.:** This year’s Annual Report is different in format and focus compared to ECA’s previous Reports. The changes are made to focus on ECA’s core activities during the past year, and to provide a short, readable overview on its activities, the state of play and ECA’s approach to the myriad of policy and legislative developments at EU level.

## 1 Organisational Issues

### 1.1 New ECA Structure

After the thorough preparation by the ECA Restructuring Working Group, the extraordinary ECA General Assembly (June 2005) adopted a new ECA Constitution. This Constitution provides for a streamlined structure that will allow for a more proactive and efficient representation of pilots' interests in the EU.

The new structure also provides for a small Executive Board of Directors, with specific competences assigned to each Director. The Executive Board will be able to take decisions more quickly, acting within the strategic guidelines set by a quarterly ECA Conference, involving all ECA Member Associations. The structure also allows for the integration of further pilot associations from the wider European region that are currently not yet members of ECA.

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### 1.2 New ECA Executive Board

Based on the newly adopted Constitution, the June General Assembly elected a new Executive Board. It is composed of the following members:

- Capt. Martin CHALK - President
- Capt. Henk DE VRIES - Vice-President
- Capt. Heinz FRÜHWIRTH - Technical Director
- Capt. Thomas MILDENBERGER - Technical Director
- Capt. George KARAMBILAS - Professional Director
- Capt. Kari VOUTILAINEN - Professional Director
- Capt. Odd HAUGSBÄK - Administration & Finance Director

The new Executive Board had a very busy start into its mandate. Meeting for the first time right after the General Assembly, it

met 8 times within the first 6 months. Some of these meetings spanned 3 days. As of 2006 the Board will meet at least once per month, normally the last Monday & Tuesday of a month. In addition, it will meet at the regular ECA Conferences.

Much of the initial work focussed on administrative and organisational issues, such as a new Expense Policy (e.g. for ECA experts attending meetings), financial matters, communication with Member Associations, Working Group structure and Terms of Reference, the deepening of the relationship with IFALPA, etc. In parallel, the Board worked on strategy, EU policy positions and pilots' interest representation vis-à-vis the EU institutions. It is this policy/strategy-type of work that will dominate the Executive Board's activity in the future.

The Members of the Executive Board also undertook an organisational training day, aimed at making best use of potential synergies within a leadership team. The President, as well as the ECA Secretary General and Legal Advisor also undertook Media Training to enhance ECA's ability to engage with the media.

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### 1.3 New ECA Secretary General

To reinforce the ECA's presence vis-à-vis the European aviation regulators, ECA hired a new Secretary General, Dr. Philip VON SCHÖPPENTHAU.

He started his new tasks in January 2005. Before joining ECA, he worked as senior Public Affairs consultant for a major Brussels-based consultancy (since 1999) and as policy advisor for a European business association (1996-99). Born in Germany, he has a French-German university education and holds a Ph.D. in European affairs.

## 1.4 ECA Working Groups, Forums, Website & Cockpit News

The new Executive Board has formalised the ECA Working Group Structure, but confirming existing groups, setting up new ones (e.g. on TNA) and defining Terms of reference for these groups. There are currently 7 Working Groups in place, which are open to all of ECA Member Associations:

- Industrial WG
- Trans-national Airlines (TNA) WG
- Flight Time Limitations (FTL) WG
- Regional / Medium-Size Airlines WG
- Air Traffic Management (ATM) WG
- Security WG
- External Relations WG

During 2005, the ECA Secretariat and ATM Working Group set up an online ATM Forum and Database. They contain a list of important ATM-related documents, offer the opportunity to have an online discussion on ATM issues, and contain a list of ATM-related meetings at European Institutions, where ECA experts attend.

This Database will also be expanded to cover relevant meetings in other policy areas, and will be available to all Member Associations.

The ECA Secretariat has set up another Forum on issues related to the Ryanair European Pilot Alliance (REPA), and is in the process of setting up a Forum on European aviation security issues.

Recently, the ECA Website was given a new face with a new format and new structure to better reflect ECA's activity areas, mission and organisational structure.

During 2005, ECA continued to issue a monthly short and concise news bulletin – the Cockpit News. This bulletin is available also on ECA's Website and many Member Associations post it on their sites and include it in their news magazines.

## 2 Political Issues

### 2.1 ECA Meets EU Transport Commissioner Jacques Barrot

In October 2005, a delegation of the Executive Board met EU Commissioner Barrot. The main message delivered is the need for a consistent application of strong European wide regulation in the civil aviation industry.

Safety is ECA's overriding priority. Although there is also a role for ECA in representing Cockpit Crew members socially and politically, it was emphasised to M. Barrot that ECA's prime concern is safety.

European Aviation Safety Agency (EASA): ECA is concerned that the prompt, efficient and competent transfer of safety oversight from the National Aviation Authorities (NAA) to EASA is being given insufficient priority and resources. This means that either the European Commission has to be successful in creating a strong 'one stop shop for aviation safety' in Europe, or each of the NAAs will have to develop into significantly more expensive and less effective 'mini EASAs'.

Commissioner Barrot agreed that there was a clear need for a strong and competent EASA as soon as practically possible and pledged to continue pressing both the Agency and the NAAs to cooperate in achieving this aim.

EU External Relations in Air Transport : ECA supports the Commission in working towards recognition of the Community designation of EU airlines. However, the deal on offer with the Americans risks to further unbalance market access. This is not in the interests of EU airlines. It would leave EU airlines subject to competition from US and other airlines in their domestic (EU) market, whilst not giving EU airlines access to compete in the US domestic market.

Without a clear definition of '*principal place of business*' there is further potential for abuse of market access principles as well as for flags of convenience. ECA does not want to go the way of the maritime sector, with airlines 'shopping around' for the weakest safety regulator.

Trans-National Airlines (TNAs): Trans-National Airlines are emerging across Europe. The single European market will be completed when all external air transport treaties give the same rights to all airlines of the European community. The effect of this will be that more TNAs will be created organically or by mergers. Although the problem is not unique to the air transport sector, it is amongst the most mobile of industries. Employers are able to operate with impunity across the EU, yet employees are unable to act collectively. Commissioner Barrot was very interested in ECA's TNA Working Group and has asked to be presented with its conclusions as soon as they have been reached.

Single European Sky: Mr. Barrot raised the issue of ECA's support for the development of better air traffic control for Europe, increasing both safety levels and capacity. We were able to confirm our wish to be involved in this project.

The meeting was very positive and both Commissioner Barrot and ECA pledged to continue their close cooperation.

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## 2.2 External Aviation Relations

The European Union is developing its external aviation relations at very high speed. Two different sorts of agreements are being negotiated by the EU:

- Horizontal Agreements: Aimed at having recognised the concept of "EU carrier" (replaces references to national carriers in old designation and authorisation clauses with the term "community carrier"). About 20 of these agreements are being negotiated

- "Open Aviation Agreements": Aimed to create zones of open competition within a common regulatory framework. This kind of agreements include e.g.: ECAA (EU and Central and Eastern European Neighbours), Morocco, US. Further such agreements are planned with Ukraine, Russia and China.

ECA has been following these negotiations closely, with special focus on the EU/US negotiations which resumed again in October this year after more of one year suspension. ECA has been taking part in numerous stakeholder consultation meetings, organised by the European Commission.

On the EU/US negotiations, ECA and its External Relations Working Group prepared various position papers and participate in the EU Delegation at the October '05 round in Brussels and will be present in the next round of negotiations in Washington DC, in November '05. ECA is concerned that the Commission is not doing enough to preserve intra-European traffic for Europeans. ECA is also working to include guarantees for safety and social conditions by promoting the insertion of a provision linking the AOC/Operating License and the carrier's Principal Place of Business (with a clear definition of PPB), and by requesting clear rules on the judicial competence and applicable law to mobile aviation workers.

ECA has been successful in recognising Social Partners as important actors not only during the negotiation of agreements, but also in further monitoring steps.

ECA works closely with US ALPA in those areas of common interest. The liberalisation of air services affects all pilots worldwide and it is important to have a global response.

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## 2.3 Social Dialogue

After 3 years of standstill, ECA succeeded in early 2005, in unblocking the work of the Secotral Social Dialogue Committee on Civil Aviation for Air Crew matters. After some contacts with other social partners, ECA was able to obtain the approval of the terms of reference of the Air Crew Working Group.

The Working Group will start to look into areas directly affecting air crew working conditions such as the protection of privacy and the promotion of health in the airplane environment.

The methodology of the Working Group is first to identify issues, and then to identify best ways of action: collection of best practices, seminars, codes of conduct and eventually agreements to be transformed into regulations.

ECA has also been instrumental in an "Ad Hoc Working Group on the Future of the Aviation Industry." This initiative is aimed jointly – on employers and employees – at identifying the challenges faced by the European aviation industry. In a second step, joint responses should be identified. All social partners participated in this work, with the exception of airports.

A joint paper is being prepared with the Social Partners' views of the future of the industry highlighting the following issues:

- Importance of the Aviation Industry for the EU economy;
- The need to apply the Lisbon Strategy to aviation, including the Strategy's social dimension;
- The need to achieve a level playing field and fair competition in the EU aviation single market (fair competition includes also social aspects);
- The urgency to address infrastructure needs and the funding of investments;
- Industry involvement in the EU's aviation external relations.

These principles are intended to guide the Commission in its future work. The Social

Partners intend to propose them to the Commission in view of the publication of a White Paper on Air Transport (N.B.: the White Papers are policy statements from the Commission, stating the general principles inspiring the EU Institution's work)

Throughout 2005 ECA actively participated in these Working Groups and in all Social Dialogue meetings (at Secretariat and Plenary level). Good working relationships are being developed with other Social Partners both on the employers and on the staff side. ECA was among those who jointly requested the Commission, especially DG TREN (Transport), to consult more regularly and more timely the Social Partners on all major aviation related proposals.

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## 3 Professional Issues

### 3.1 Flight Time Limitations (FTL)

For more than 13 years, FTL has been one of ECA's major policy issues to be followed at EU level.

Although the Council of Transport Ministers informally approved the current text in a 1<sup>st</sup> Reading, in December 2004, the need to have the text translated in the 10 new official EU languages (not only the FTL, also the whole of EU-OPS) has delayed the formal adoption by the Council. The formal adoption is expected to take place in January 2006. This will then be followed by a "second reading" in the European Parliament and in the Council of Ministers.

ECA has taken advantage of this additional time to prepare its strategy. The ECA FTL Working Group has worked intensively during all this time, meeting more than a dozen times during the last year.

The Working Group developed detailed tables analysing the changes in the FTL proposal at the different stages of the

procedure in order to identify ECA's concerns and areas where improvement is still possible.

ECA is now finalising a robust dossier to present to the Members of the European Parliament, hoping to achieve limited but important improvements to the FTL text.

ECA has established contacts with members of the European Parliament and further contacts with MEPs are planned in view of the second reading.

In addition, ECA has developed a detailed presentation explaining the content of the proposed European FTL legislation. This is a useful tool that can be used by all Member Associations to explain to experts, politicians and opinion-formers how FTL will look and which are the issues at stake. It is also an excellent tool for informing pilots about the changes that lie ahead. Copies of this Power-point presentation are available at the ECA office.

If things go as planned, the final FTL Regulation will be adopted in the third quarter of 2006. Beginning of next year will be very busy – both for ECA and its Member Associations.

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### 3.2 Trans-National Airlines and REPA – Ryanair European Pilots' Alliance

ECA has established a Trans-National Airlines Working Group (TNA WG). The objective of this Working Group is to develop a legal and industrial framework allowing for collective bargaining and protection of pilots working in trans-national airlines, regardless of where their contracts are concluded and where they are based in the EU.

The emergence of TNA is being considered as one of the most important challenges to the pilot profession and is a priority for ECA. ECA thinks that in the

years to come the European aviation industry will go through deep restructuring. Therefore ECA and its member Associations have to be ready to face industrial relations in this new context.

Closely linked to the TNA work are ECA activities related to REPA. Ryanair is a European carrier with pilots based in many different European Countries. It has 2 AOCs and the company is radically anti-union. ECA Member Associations have realised that it is in their common interest to find strategies to help the pilots in this airline organise themselves, regardless of where they are based.

ECA has been supporting IALPA and BALPA in this work since autumn 2004. Based on several meetings of interested Member Associations, some lines of action are starting to emerge. If the ECA Conference confirms this line, ECA could serve as the 'Clearing House' for Ryanair pilot related initiatives of ECA's Member Associations. Following the IFALPA dual membership policy, an option would be to set up arrangements between Member Associations where Ryanair bases exist, in order to determine the services to be offered to pilots and to distribute responsibilities (bargaining, legal protection, funds, insurance...) Ryanair has become the first "test case" for ECA's TNA related work.

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### 3.3 Mergers

ECA's Industrial Working Group finalised its work on mergers. Some principles and a proposed methodology were agreed upon. In addition, a database of European Mergers was created and is available to all Member Associations.

The ECA work opened the way for a debate about the possibility of a *global* Merger policy within IFALPA, being currently examined by IFALPA's Industrial Committee.

### 3.4 Identity of the Operating Air Carrier Regulation

In 2005, the Commission eventually published a long awaited Regulation, obliging operators to communicate to passengers the carrier that is effectively doing the transportation (“Carrier Identity Regulation”).

Action on this domain was requested by ECA some years ago, mainly as a tool to fight against the increasing trend towards outsourcing. ECA believes that passengers have the right to know who they are really flying with!

This Regulation also includes a proposal for the establishment of EU “Black Lists” of deficient air carriers – a topic that has gained attention after the tragic accidents of summer 2005. This initiative is a positive step towards resolving the lack of coordination among EU Member States when setting up *national* black lists that ban airlines from operating to one Member State but not to another. However, some concerns remain as to the criteria to be used to black-list an airline and to the responsibilities in declaring / restoring airlines.

ECA submitted a position paper to the European Parliament suggesting some changes to the draft Regulation. In ECA’s view, the issue of Black Lists should be managed by EASA, provided that the Agency is given sufficient means and expertise to do it.

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### 3.5 Study on Low Cost Companies

ECA is reviewing its 2002 publication on Low Cost Companies in Europe. The idea is to see how the LCC have evolved since the publication of the first ECA study and the implications in the rest of the Industry. The update study is expected to be ready in early 2006.

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## 4 Technical Issues

### 4.1 Single European Sky (SES) – General Progress

The aim of the Single European Sky is to reduce fragmentation of European Air Space, while maintaining and improving safety, increasing capacity and ensuring cost efficiency.

The means to this end is developing “Functional Airspace Blocks” – FAB – (i.e. consolidated airspaces overarching different European countries), improve civil military coordination and implement new technologies in a framework of ‘consensus’ involving all the main stakeholders, such as ECA.

Stakeholder involvement is, however, a challenge. Creating a Single European Sky is a hugely complex and abstract task in itself, both technically and politically. Heavy workload laid out in the SES regulations and tight deadlines imposed to meet regulatory deadlines mean that stakeholders are busy struggling with detail, while a proper study of the strategic direction/bigger picture, and how it applies in practise, is often being neglected.

There are 2 institutionalised consultation bodies for the Single European Sky:

- Industry Consultation Board (ICB) made up of industry stakeholders and
- Single European Sky Committee (SSC) composed of Member States.

The ICB, to which ECA is a member, is the technical advisor for the Commission who chairs the SSC and prepares the Single European Sky legislation.

In 2005, the functioning of the ICB has shown its limits as to the proper representation of all stakeholders. Other issues are the need for a clear cost-benefit assessment in a situation where the Service providers, who have to invest in the system, are not yet fully deregulated.



One of ECA's main concerns is the safety of the future SES. Cost and efficiency considerations could impact safety. The notion of a FAB will introduce competition and pressure for cost reduction which (if accepted by the SSC and the European Parliament) can only but decrease safety. ECA is concerned that Safety does not seem to be a key driver of the SES. Safety appears to be neither explicit nor implicit in the base-line developments to date.

The methodology used by the European Union to develop the Single European Sky, SESAME (see below), is different to the conventional systems definition approach. The idea of an abstract consensus process is difficult for the classical 'engineer' to grasp. Developing detailed specifications under an umbrella framework that is not yet robust requires a 'leap of faith'. Many stakeholders have difficulty accepting this method.

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#### 4.2 SES – Industry Consultation Body

The Single European Sky's Industry Consultation Body (ICB) met 4 times already in 2005. A fifth meeting will take place in November. Numerous sub-groups have also convened on the subject of Single European Sky interoperability, governance and cost benefit. ECA is represented in this forum and has been present at all Plenary and Subgroup meetings.

Essentially however, the consultation needs to be broadened to accommodate and consolidate both public and private interests. This is particularly important moving into the transition and implementation phases. The sentiment is that this Committee has yet to achieve its full potential – i.e. to properly represent all its stakeholders fairly. Some are concerned that the ICB is dominated by users and air service providers. ECA therefore believes that integrating a regulator presence to the consultation process will provide more balance

between operational safety and the costs and investment perspective.

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#### 4.3 SES – SESAME Project

After a long period of reflection, ECA has decided to participate in the SESAME project as a sub-contractor to the Air traffic Alliance. The start is foreseen for early 2006.

SESAME offers an opportunity to participate in a constructive manner in an activity of importance to important actors on the European stage. At the same time participation will permit ECA to monitor Air Traffic Services developments which could impact on the piloting profession. The ECA time allocation for this project is five man months. ECA is in turn going to contract experts from within the ATM working group to carry out the work, as there is not sufficient capacity available within current ECA staffing levels.

While SESAME promoters emphasise the "research" role of SESAME, it is clear that SESAME also has strong parallels with a Thematic Network. ECA will be included in the related political process, which will facilitate more informed decisions at political level. Crucially, it will provide valuable and unique 'front-end' user inputs to the Single European Sky project.

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#### 4.4 Security

The EU has increased its involvement and legislative activities in the field of aviation safety during the last year. ECA regularly attended the meetings of the Stakeholders Advisory Group on Aviation Security (SAGAS), a forum advising the Commission on its Security Policy.

The main topic of last year was the reform of the European legal framework in security matters. The Commission established a working group aimed at

reviewing the basic Regulation with the aim of establishing a more flexible and quicker decision-making process. ECA actively participated in the working group drafting this new Regulation. ECA also intends to continue to be present in the working group that will draft the implementing regulations.

This year the Regulation on Critical Parts of Airports entered in force, as well as other new European Security regulations on screening and hand-searches. Those regulations pose some practical problems to crews that ECA has raised with the Commission.

ECA continues to promote, in collaboration with the Association of European Airlines (AEA), the establishment of a common identity card for aviation employees. The final project is expected to be presented to the Commission and the Member States at the end of 2005.

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#### 4.5 EASA – Current Status

EASA has now been up-and-running for two years, but it is far from being fully operational. Unlike other European Agencies, safety oversight should be its main day-to-day activity. However, to date, the Agency has delegated most of its core safety functions back to Member States.

EASA also has serious budgetary problems. The Commission expects EASA to address some internal issues first before further public subsidies can be considered.

The financial crisis appears to have led the Agency to focus much attention on the controversial fees and charges regime. The proposed solution to increase the fees and charges risks making certification in some areas much more costly.

ECA is concerned about the potential negative impact on safety oversight and the development of quality and standards.

The Quality & Standardisation directorate and the horizontal Safety Unit have very limited staff resources, compared with staff in certification. EASA's current priorities are as yet not in line with its core mandate as a Safety Agency. They do not have the means to develop quality standards, carry out auditing activities on their own, or to develop credible safety objectives.

Without a sustainable budget solution for 2006 and beyond, ECA is concerned about EASA's ability to properly act as the EU's central safety agency.

ECA's position has been that the European Commission needs to focus seriously on financially stabilising the Agency to restore public and foreign (e.g. FAA) confidence. EASA must be able to accommodate the full spectrum of mandates soon, including on OPS, to create a 'one-stop' safety solution for all aviation activities.

ECA has therefore been demanding that the European Union addresses EASA's problems' urgently. It should:

- foresee appropriate public subsidies to enable proper execution of its core tasks and to boost its public credibility;
- guard against potentially unacceptable alternative financing solutions in this difficult start-up phase;
- prevent an increase of the fees and charges;
- ensure proper, transparent, centralised safety oversight;
- ensure that EASA receives full spectrum of responsibilities to enable it to become a one-stop-solution for aviation safety;
- ensure priority to quality /standards;
- support EASA as credible European counter-part to the FAA.

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#### 4.6 EASA – EAB

ECA has two seats on the EASA Advisory Board (EAB). There were three meetings

in 2005 year, including one on ECA premises.

The EAB also met with the EASA Management Board twice, the European Commission and has convened subgroups on the 2006 work programme and budget. ECA was present at all of these meetings and played a pivotal role in the development of the EASA work programme and alignment of the Management Board and the Advisory Board's strategy vis-à-vis the Agency.

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#### 4.7 EASA – SSCC

ECA also has two seats on the Safety Standards Consultative Committee (SSCC). They met three times this year and the final meeting this will take place at the end of November. Vereinigung Cockpit and SNPL provide the pilot presence. The main event this year was that the SSCC redrafted its terms of reference, with the help of ECA. The new specifications were received with enthusiasm by the Executive Director, Patrick Goudou. Since then, 3 subgroups have been established (Operations and Licensing, Maintenance and Engineering and Design and Manufacturing). ECA is chairing the Ops and Licensing Subgroup. SNPL also provide inputs to the design and manufacturing group.

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#### 4.8 EUROCONTROL

ECA continues its presence at Eurocontrol. It attended 3 Provisional Council meetings, 3 ATM CNS Group (shortly to be renamed as Stakeholder Consultation Group), 3 Air Space and Navigation Team, the ATM procedures development Sub-Group, the Aviation Environment Group, 3 NATO/EUROCONTROL ATM Security Committee, the Airborne Separation work (ASAS- Thematic Network) and its requirements focus group, CASCADE (datalink), and its Operational Focus

Group and the Runway Safety Team (including working with Eurocontrol to develop a special pilot awareness tool for the reduction of runway incursions). ECA also provided a presence and presentation at the Air/Ground Communications Workshop.

Under the mandates for the Single European Sky, ECA has been consulted on all opinions prepared by Eurocontrol to be submitted to the Commission. These have included airspace classification and design, the definition of functional airspace blocks, datalinks, 8.33 KHz, the common charging scheme, flexible use of airspace. New requests addressed by the Single European Sky Committee are interoperability, ATFM, European Upper Flight Information region, Single Aeronautical Information Publication, Performance Review and a report on SES monitoring.

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#### 4.9 Joint Aviation Authority (JAA)

As EASA develops, the JAA is slowly disbanding. Staffing has been reduced to 35 and the annual budget has been cut by € 4 million. Three divisions were disbanded: Maintenance, Certification, Airworthiness.

The main pillars remaining are Operations and Licensing. Both areas have co-responsibility for the administration of Notices of Proposed Amendments (NPA's). In addition JAA have retained SAFA (Safety Audits for Foreign Aircraft), certain related airworthiness issues and the administration department. The JAA also has a bimonthly subcontract to perform work on behalf of EASA.

The CJAA office in Hoofddorp will close and JAA will continue as a liaison office in the EASA premises in Cologne as of end 2006/ beginning 2007. It will be renamed JAA LO (Liaison Office), have a limited life span, a reduced staff of 10 including a small training division based out of Hoofddorp. This marks a new and long

awaited era of regulatory enforcement for the EU aviation industry.

ECA attends the meetings of the Operations Sectorial Team, the Licensing Team, the Joint Safety Strategy Initiative and the CNS/ATM Group. All three teams have met three times this year, with a 4<sup>th</sup> meeting expected before the end of 2006.

**Licensing:** ECA – in close cooperation with IFALPA – managed to suspend a JAA attempt to include Non Technical Skills (NTS) evaluation in the context of licenses. The JAA intends to modify its initial proposal to coordinate it with the way this issue is addressed in the OPS context.

For ECA/IFALPA, good NTS training is needed. However, there is no obligation whatsoever to carry out CRM evaluation in the licensing context (or in OPS). Our representatives will continue to oppose it in order to protect the student pilots' and professional pilots' right to a career.

ECA is also actively involved in the JAA process to implement the new ICAO rules on training (ICAO FCLTP). ECA considers that the process is commercially driven, and that no serious analysis has been done on its safety impact. If approved in its current form, it will represent a downgrade in the profession. ECA will continue to oppose this trend.

**OPS:** The OST issues an NPA on NTS. ECA experts are working on comments (in coordination with the debate taking place at the different IFALPA committees), Comments are due in January 2006.

**Joint Safety Strategy Initiative (JSSI):** The JSSI has been developing a safety action plan which is supported by EASA and EUROCONTROL. It is intended that EASA take over this plan by the end of 2006. ECA's experts have been attending the meetings, keeping a watchful eye on the developments.

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