



ECA
Piloting Safety

The Future of EASA

ECA position paper on the EASA evaluation as stipulated in Basic Regulation 216/2008 Article 62

Introduction

Article 62 of EASA's Basic Regulation stipulates that an independent external evaluation of the implementation of the Regulation shall be undertaken at five-yearly intervals. The evaluation will, inter alia, examine how effectively EASA is fulfilling its mission and assess the impact of the Regulation, the EASA Agency and its working practices in establishing a high level of civil aviation safety in Europe. An independent expert panel has been commissioned to undertake this evaluation.

In this position paper, ECA provides its view on the current and future challenges of the Agency and puts forward proposals and attention areas in order to further improve aviation safety.

EASA's challenges

EASA is facing four major challenges in its continuous efforts to establish and maintain a high uniform level of civil aviation safety in Europe.

1. Stabilising the Agency after 10 years of continuous extensions to its scope and remit.
2. Ensuring the shift to performance based regulations and oversight is well managed with a constant and watchful eye on avoiding any safety lacunae.
3. Establishing and maintaining a high uniform level of civil aviation safety in Europe whilst air traffic may double in the next two decades and the aviation system and operations become ever more complex.
4. The collective ability of the European aviation system to generate and analyse the safety / occurrence data necessary to not only strive for a more predictive, risk-based safety management at company and authority level, but to actually implement it.

A risk-based safety management approach calls for two prerequisites: a compliance-based regulation as basis, i.e. setting the basic safety standard and safety level through prescriptive rules that anyone has to meet, and the capacity to perform a qualitative oversight (in addition to the compliance-based oversight abilities). The risk-based approach can improve safety but it could also endanger safety, if implemented and/or overseen poorly. This approach should neither provide an excuse to simply cut costs, nor should it be economically-driven. On the

contrary, implementing it in a robust way could actually mean more resources are necessary for oversight. As the Agency is providing a fundamental task on behalf of the society, any additional funding required should come from the Community budget. While the Community budget is under pressure due to the current austerity in Europe, the economic crisis should not be a pretext to limit the Agency's budget. On the contrary, the budget should be increased. The safety of the travelling public – and those living under the flight paths – is a public good and needs to be adequately resourced and be financed mainly out of public funds.

Performance-based regulations and oversight cannot replace the current compliance-based approach overnight. The implementation will have to be a slow and gradual process which must be overseen both at national level and by EASA at EU level.

One main concern is about how authorities, e.g. from smaller countries, will be able to deal with their increased responsibilities. Or any national authority faced with severe budget cuts and the related 'brain-drain' and loss of expertise. And it will be a challenge to implement a risk-based approach across Europe in a harmonised manner. Various national authorities have developed their own system to assess safety management systems. The Agency will have to make sure, whatever system is used nationally to assess and oversee a risk-based system, it does so in a harmonised and repeatable way.

Another main challenge stems from the forecasted doubling of air traffic in the next two decades. To achieve the same level of safety as today with twice as much traffic, enormous efforts will be required, in terms of oversight at national level, solid and deep standardisation checks on national authorities and their ability to adequately oversee the growing industry, and in terms of adequate EASA safety regulation. The challenge is even bigger in the current climate of economic crisis and an ever increasing competition in the aviation market, where all players are naturally driven to cut costs and to operate as closely as possible to the legally still permissible limit. The complexity of the aviation operations forms a formidable challenge for an authority: which authority can fully comprehend and oversee the operations of company A, that sells tickets under company B, hires planes from company C, hires crew from company D, and flies from country E to country F, and this increasingly with operators having bases in several different countries? Without a significant increase of resources at national and European/EASA level, it is unlikely that the same safety level can be maintained.

Another challenge for EASA – and Member States – will be the collective ability of the European aviation system to generate and analyse the safety / occurrence data necessary to not only strive for a more predictive, risk-based safety management at company and authority level, but to actually implement it. EU-wide data sharing, standardisation and analysis, as well as pooling of the related resources will be a precondition for the system to work. The new proposal for an EU Occurrence Reporting Regulation is an important step in that direction, including its attempt to facilitate and protect a Just Culture environment at all levels of the industry. As proposed by the Commission, the new Regulation – and the role foreseen for EASA – will become an essential pillar for Europe's future safety management system.

EASA has received additional responsibilities since its creation. It is just finalising the rulemaking for the latest extension dealing with ATM and airports. After having grown rapidly over the past 10 years, it may be wise to allow for a consolidation period. The main challenge is to advance safety and ensure that the implementation of performance based regulation and oversight does not reduce safety.

EASA to become stronger

Today, the principal objective of EASA's Basic Regulation is to establish and maintain a high uniform level of civil aviation safety in Europe. This objective should be kept and be strengthened. However, 'maintain a high uniform level of civil aviation safety in Europe' does not set a quantitative goal. At various occasions the Agency and the Commission have expressed their aim to make Europe the area with the highest aviation safety in the world. Such a goal should be introduced in the Basic Regulation's principal objective.

Every year EASA defines its European Aviation Safety Plan (EASP) for the next four years. However, this EASP is voluntary and open for Member States to follow or not. If Europe is to take its commitment to the EASP seriously, then it simply cannot remain voluntary. ECA suggests including an Article in the Basic Regulation which states what EASP is and the Agency's obligation to publish this safety plan each year. The article should state that EASP is a high-level document that steers the EASA actions and which Member States have to use as basis for their national aviation safety plans. The article should also mandate the establishment of a formal process for consulting the stakeholders and for establishing such an EASP.

The challenges the European aviation system faces should be met by strengthening the Agency and by giving it authority to organise strong and effective oversight across Europe. In the longer-term, national authorities could through a step-by-step process become national EASA 'satellites' that will receive support from the EASA head office for their duties.

This can only be possible if the Agency receives the necessary additional resources, both financially and in manpower.

As a step towards such a more central and coordinated structure, the pooling of national aviation authorities' resources and expertise – with the involvement of EASA – should be seriously explored. This would help NAAs from smaller, less well-resourced countries and allow preventing the emergence of de facto under-regulated and/or insufficiently overseen operators in some parts of Europe. If not prevented, such disparities in safety oversight would finally result in (unfair) competition on the basis of lower de facto safety standards.

Conclusion

Strengthening the principal objective of the basic regulation could set the goal for EASA in the years to come.

The combination of an aviation industry under economic pressure, an aviation system that grows in traffic and in complexity, and the gradual implementation of a risk-based system represent an enormous challenge for the Agency. Making better use of the European Aviation Safety Plan, generate and analyse the safety/occurrence data, and strengthening the oversight are preconditions to reinforce the safety barriers. This can only be achieved if EASA receives the necessary budget and resources to correctly fulfil its tasks. ECA will continue to support EASA in its endeavour to make Europe the area with the highest aviation safety level in the world.

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