



EUROPEAN COMMISSION

Aviation Safety

**the development of safety
policy**

and

the making of the rules



Deciding on policy

- ✓ **Moving forward from the 2nd Package on liberalisation**
- ✓ **The impact of the creation of JAA on aviation safety policy in Europe**



Making the rules

- ✓ **Directive 91/670 on mutual acceptance of pilot licences**
- ✓ **Regulation 3922/1991 on harmonisation of rules and procedures in aviation safety**
- ✓ **Directive 94/56 on accident investigation**



Making the rules

- ✓ **Regulation 1592/2002 on common rules in the field of aviation safety and establishing EASA**
- ✓ **Directive 2003/42 on incident reporting**
- ✓ **Directive 2004/36 on safety of third countries aircraft**
- ✓ **Regulation 2111/2005 on Community list of air carriers subject to a ban**



Pilot licences

**COUNCIL DIRECTIVE 91/670
OF 16 DECEMBER 1991
ON MUTUAL ACCEPTANCE OF PERSONNEL
LICENCES FOR THE EXERCISE OF
FUNCTIONS IN CIVIL AVIATION**

**Official Journal of the European Union n° L 373 of 31
December 1991, p. 21, <http://europa.eu.int>**



Pilot licences

- ✓ Principle of mutual recognition established without preventing States from setting up their own national licensing systems...
- ✓ A pilot licence locally granted was after all not EU-wide accepted without further ado...
- ✓ The Directive did not really fulfil the objectives of internal market



Harmonisation of safety rules & procedures

**COUNCIL REGULATION No 3922/1991
OF 16 DECEMBER 1991
ON THE HARMONISATION OF
TECHNICAL REQUIREMENTS AND
ADMINISTRATIVE PROCEDURES IN THE
FIELD OF CIVIL AVIATION**

**Official Journal of the European Union n° L 373 of 31
December 1991 p. 4, <http://europa.eu.int>**



Harmonisation of safety rules & procedures

- ✓ **The first introduction of JAA requirements into Community law**
- ✓ **All Member States have to be JAA full members**
- ✓ **Making harmonisation the rule and the 'national variante' the exception**
- ✓ **... still, not a very dynamic instrument... up-dated JARs need to be filtered through lengthy procedures to be incorporated**



Accident Investigation

**DIRECTIVE 94/56/EC
OF 21 NOVEMBER 1994
ESTABLISHING THE FUNDAMENTAL
PRINCIPLES GOVERNING THE INVESTIGATION
OF CIVIL AVIATION ACCIDENTS AND INCIDENTS**

**Official Journal of the European Union n° L.319 of 12
December 1994 p. 14, <http://europa.eu.int>**



Accident Investigation

- ✓ **Mandatory investigation of each accident and serious incident with the only objective to prevent its recurrence**
- ✓ **Mandatory establishment of investigation authorities with clear separation between judicial inquiry and technical investigation**
- ✓ **Clear statutory reinforcement of the proceedings of technical investigations**



Accident Investigation

- ✓ **Investigation body to be permanent and fully independent with sufficient resources to fulfil its mandate**
- ✓ **Mandatory publication of investigation reports containing conclusions and recommendations**
- ✓ **Control of follow-up to these recommendations – 'action plan'**



Occurrence Reporting

**DIRECTIVE 2003/42/EC
OF 13 JUNE 2003
ON OCCURRENCE REPORTING IN CIVIL
AVIATION**

**Official Journal of the European Union n° L.167 of 4 July 2003 p.
23 <http://europa.eu.int>**



Objective of occurrence reporting

This Directive contributes to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.



Information is collected

Member States shall

- require that occurrences are reported
- put in place a mechanism to collect, evaluate, process and store occurrences



Information is stored

- ✓ **The competent authorities of Member States shall**
 - store the collected reports in their databases

- ✓ **The Commission shall**
 - develop specific software for the purpose of this directive



Information is exchanged

Member States shall

- participate in an exchange of information
- make available to other Member States and the Commission all relevant safety-related information stored in the database



Information is protected

- ✓ **Member States shall ensure**
 - ... appropriate confidentiality of the information received
 - ... names or addresses of individual persons shall never be recorded in the database
- ✓ **Member States shall refrain**
 - from instituting proceedings for unpremeditated or inadvertent infringements... without prejudice to penal law - employees who report incidents ... are not subject to any prejudice by their employer



Information is disseminated

Civil aviation safety regulator and civil aviation investigating bodies shall have access... to enable it to draw the safety lessons

The Commission assisted by a Committee may disseminate information to persons or organisations

- **when needed to improve aviation safety**
- **limited to what is strictly required**

Publication of annual safety review



Voluntary Reporting

In addition to mandatory reporting, Member States may put in place a voluntary reporting system for occurrences which are perceived by the reporter as an actual or potential hazard



What occurrences are reported

- ✓ **Annex 1 contains reporting requirements from JAA codes**
- ✓ **Annex 2 comes from EUROCONTROL ESARR 2**
- ✓ **No new additional requirements**



ECCAIRS


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ECCAIRS

The **ECCAIRS** occurrence reporting system is a set of applications that provide together a complete solution to organisations that want to collect information on aircraft incidents and accidents in an ICAO compatible format



The creation of EASA

REGULATION (EC) No 1592/2002

OF 15 JULY 2002

**ON COMMON RULES IN THE FIELD OF CIVIL
AVIATION AND ESTABLISHING A EUROPEAN
AVIATION SAFETY AGENCY**

**Official Journal of the European Union n° L.240 of 7 September
2002, p. 1, <http://europa.eu.int>**



The creation of EASA

- ✓ the context
- ✓ the present
- ✓ the future
- ✓ link to other Community safety measures



From JAA to EASA

The creation of the European Aviation Safety Agency in 2002 was the inevitable result of ties among European Member States growing ever closer thanks to the achievement of the internal market in aviation and due to the inherent weaknesses of the JAA.



The creation of EASA

- ✓ Ever growing regulatory convergence created the need of applying in aviation safety the principle of 'one stop shop'
- ✓ The European Aviation Safety Agency was created to permit the development and the uniform implementation of common rules in aviation safety
- ✓ Objective: to achieve a high level of safety across the entire Community and set aside national diverging practices



From JAA to EASA

The JAA is a cooperative body without legal personality.

EASA is a Community Agency vested with legal personality having clearly defined rights and obligations and able to be a party to legal proceedings.



Basic Principles of Aviation Safety

A product is an aircraft, an aircraft engine or a propeller.

Type certification of a product means the process of examination by an authority with a view to verifying that this product corresponds to the design and manufacturing standards established by the manufacturer.



Basic Principles of Aviation Safety

The Civil Aviation Authority responsible of safety of country X will only issue product design approvals to an applicant in a country with which it has concluded a bilateral agreement for the export and import of such products (BASA).



Basic Principles of Aviation Safety

All aircraft in Europe are subject to airworthiness certification in accordance with the EASA Regulation, for which prior type certification in respect of the aircraft, aircraft systems and equipment is required and performed according to the European implementing rules.



Basic Principles of Aviation Safety

The issue of a type certificate is the confirmation by EASA of official acceptance and declaration of the airworthiness of a particular aircraft design.



Basic Principles of Aviation Safety

The issuance of a type certificate is subject to the successful completion of type inspection, which results in official declaration of the aircraft type airworthiness.

The airworthiness of a type of aircraft is subject to fulfilment of the design and airworthiness requirements as defined in approved type design documentation and as demonstrated by calculation and/or testing and/or trials of safe, trouble-free and sufficiently reliable operation in accordance with the specified operating and environmental requirements.



Basic Principles of Aviation Safety

For each individual aircraft, airworthiness certification based on type certification, is required in connection with the performance of air transport services.

The individual airworthiness certificate is issued by the National Aviation Authorities.



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The creation of EASA

Since the creation of the Agency in 2002 and its beginning of operations in 2003, the Community as a whole has exclusive competence in the area of airworthiness and environmental compatibility of aeronautical products, parts and appliances

Besides rulemaking and certification, EASA is the 'long arm' of the Commission as it carries out standardisation inspections of national aviation authorities and investigations of certificate holders to ensure that the common rules are respected



The EASA Regulation

The tasks of the Agency

To develop essential requirements & implementing rules to be adopted by COM (Reg. No1702/2003, 2042/2003, 488/2005)

To develop & adopt acceptable means of compliance & guidance material, airworthiness codes – not mandatory material



The tasks of the Agency

To put in place a system of surveillance – monitor the continued airworthiness of products it has certified

To assist the COM in monitoring the application of the EASA regulation & the implementing rules - standardisation inspections of NAAs

To establish relations with international organisations and aviation authorities of non-EU countries

To carry out research in the field of its expertise & coordinate such activities among EU MS



Sharing of roles between EASA and Member States

	Rules	Certificates
Airworthiness products & organisations		
- Type certificate	EASA/ EC	EASA
a) design organisation		EASA
b) production organ.		NAAs/EASA
- Individual certificate	EASA/ EC	NAAs
Maintenance organisations		
- Non EASA country	EASA/ EC	EASA
- EASA country	EASA/ EC	NAAs

NAAs: National Aviation Authorities



The EASA Regulation

The Commission adopted a proposal on 16 November 2005 to extend the scope of Regulation 1592/2002 to flight crew licensing, air operations and safety surveillance of third country aircraft.

At a later stage, it is expected to also extend the scope of Community competence to the safety regulation of airports and air traffic control.

Certification and safety oversight in the future

Domain:	EASA	NAAs
EU Air Operators	Part 129 approval of airlines established in non EU countries and in EU countries if requested	AOCs and Part 129 approval of airlines established in EU countries
Flight Crew Licensing	Certification/approval of training centres for non EU countries and assessment bodies (if requested)	Certification/approval of EU training centres & License pilots
Safety of foreign aircraft (SAFA)	Certification of airlines in the country of origin	Ramp inspections
Air Navigation Services	Certification of Pan-European systems/providers (e.g. Galileo)	Certification of National providers
Air Traffic Management	Oversight of Pan-European functions (e.g. Traffic Flow Management)	Oversight of national functions (e.g. Airspace management)
Airports	//	Certification of airports



Setting up the Agency

The structure of the Agency

The Management Board

The Executive Director

The Board of Appeal



Setting up the Agency

The Management Board

1 representative per Member State + 1 Commission

deals exclusively with administrative and financial matters
work programme and priorities, budget, staffing, financial
regulation, working methods

Decisions are made by 2/3 majority voting (1 member =
vote)

appoints the Board of Appeal,

appoints the Executive Director



Setting up the Agency

The Executive Director

Shall be neutral and independent

Shall manage the Agency

shall take all safety decisions of the Agency:

- technical specifications and guidance material (including airworthiness codes)
- individual decisions on conformity with the rules
- recommendations to the Commission on any subject covered by the Regulation



Setting up the Agency

The Board of Appeal

acts as a first administrative instance to verify the legality of the acts of the Agency.

is created on an ad hoc basis: the chairperson and the members are appointed by the Management Board from a list established by the Commission.

chairperson and members shall be neutral and independent;

decisions are binding on the Agency.

decisions can be appealed against before the ECJ



Cooperation with Third Countries

1st level : technical working arrangement binding only EASA (art. 18)

EASA concludes working arrangements of technical nature with its counterparts in third countries which have aeronautical production. Examples Brazil, Canada, China, Israel, Japan, Russia -IAC, or with international organisations (ICAO).

2nd level : fully fledged Community-wide agreements (art. 9)

Negotiations by the Community with major partners, such as the USA and Canada, with view to concluding bilateral agreements binding for all Member States on the mutual acceptance of certification findings and approvals (BASAs with MIPs and IPAs).

3rd level : full integration into the Community safety system (art. 55)

The Community concludes agreements with European non-EU countries (currently Iceland, Norway and Switzerland) where these countries adopt and apply Community law covered by the EASA Regulation and the implementing rules. Thereby they participate in EASA management (financial, administrative, rulemaking, operational).



Standardisation inspections

Commission Regulation 736/2006

of 16 May 2006

**ON WORKING METHODS OF EASA FOR
CONDUCTING STANDARDISATION
INSPECTIONS**

**Official Journal of the European Union n° L.129 of 17 May
2006, p. 10, <http://europa.eu.int>**



What do they cover today?

Article 45 of Regulation N° 1592/2002: “the application of and its implementing rules – Regulations N° 1702/2003 & 2042/2003”

initial and continued airworthiness of aeronautical products, parts and appliances and personnel and organisations involved in their design, manufacture and maintenance



What will they cover in the future?

1st Phase

All areas of competence which will be added to the existing ones –
Commission proposal to extend EASA's competences to OPS and FCL and foreign country aircraft/operator certification.



What will they cover in the future?

2st Phase

All areas of competence which will be further added to the existing ones – Commission's communication on the future competences of EASA up to 2010
- extend EASA's competences to airport, ATM and air navigation service providers



Who does what?

EASA assists the Commission to exercise its enforcement powers i.e. to ensure that Community law is correctly applied by

carrying out standardisation inspections of national aviation authorities and, for the purpose of assessing their performance, inspections of certificate holders under the regulatory oversight of the inspected national aviation authority



Qualification requirements

EASA establishes the qualification requirements for all inspectors

EASA is responsible for training its own staff – future inspectors (team leaders and members)

EASA trains staff seconded by national aviation authorities – future inspectors (team members)



Types of inspections

Standardisation inspections on initial & continued airworthiness according to an annual programme;

Follow-up inspections in the relevant area to verify implementation of remedial action plans;

Ad hoc inspections at the request of the Commission.



Inspections' procedure

a preparatory phase lasting a minimum of 10 weeks prior to the inspection;

a visiting phase -1 week;

a reporting phase lasting a maximum of 12 weeks following the inspection;

a follow-up phase lasting a maximum of 16 weeks following the reporting phase;

a closure phase to take place at the end of the follow-up phase.



Enforcement by EASA

EASA sends request for clarification

If clarifications or remedial action are not satisfactory – supplementary report

Commission sends to all Member States the supplementary report



Enforcement by Commission

Following the supplementary report the Commission may take any of the following steps:

address comments to the Member State;

require the Agency to carry out all necessary follow-up actions;

if all actions by EASA remain fruitless, launch infringement proceedings



Link with other EC rules

Standardisation inspections and accreditation of national aviation authorities for the purpose of outsourcing certification tasks – art. 24 of 1592/2002.

Standardisation inspections and imposition of operating bans on air carriers according to Regulation 2111/2005.

Standardisation inspections and the application of the liberalisation rules.



EASA

from the present to the future

Until the adoption of the new rules extending the competences of the Agency by the Council and the European Parliament, measures are put in place

Objective:

- ✓ to bridge the gap and avoid legal uncertainty for the industry and national authorities
- ✓ To ensure a smooth transition from one system to the other with the least administrative and financial burden for the industry and national authorities



Introducing JAR-OPS into Community law

**Formal introduction of JAR-OPS into Community law –
modification of Regulation (EC) No 3922/91 which is about
to enter into force**

Objective:

- EU-OPS (JAR-OPS 1 including FCL) is applicable in the Community immediately; when EASA's competences will be extended to cover this field essential requirements for OPS and LIC will reflect EU-OPS**
- EU-OPS will form the basis for the adoption by the Commission of implementing rules in the EASA system similar to those we have today on airworthiness and maintenance**



Transfer of SAFA Database to EASA

Adoption of Commission Regulation (EC) No 768/2006

of 19 May 2006

implementing Directive 2004/36/EC as regards the collection & exchange of information on the safety of aircraft using Community airports and the management of the information system (OJ L 134, 20.5.2006, p. 16–18)

- The SAFA Database is to be managed as from 1st January 2007 by the European Aviation Safety Agency
 - Centralised collection, processing, updating, evaluation, dissemination and reporting of the information contained in the Database
 - One objective: improve level of safety by improving quality of relevant information and reliability of the reporting system
- Until EASA is empowered to perform SAFA inspections on foreign aircraft and inspections on EU aircraft



Presentation plan

Aviation Safety

Relations with Third Countries

Rules & Policy



Which rules apply

- ✓ Directive 2004/36 on safety of third countries' aircraft – SAFA
- ✓ Commission Regulation 768/2006 transferring the management of SAFA Database to EASA
- ✓ Regulation 2111/2005 on Community list of air carriers subject to a ban



How to deal with foreign aircraft

DIRECTIVE 2004/36/EC

of 21 April 2004

**ON THE SAFETY OF THIRD COUNTRIES
AIRCRAFT USING COMMUNITY AIRPORTS**

**Official Journal of the European Union n° L.143 of 30 April
2004 p. 76 <http://europa.eu.int>**



The objective of the rules

Within the framework of the Community's overall strategy to establish and maintain a high uniform level of civil aviation safety in Europe, this Directive harmonises the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.



The content in short...

- ✓ **Collection of information**
- ✓ **Ramp inspection**
- ✓ **Exchange of information**
- ✓ **Protection and dissemination of information**
- ✓ **Possible measures**



Collection of Information

- ✓ **Basic information to help targeting unsafe aircraft / operator / State**
- ✓ **Inspection reports and action taken subsequently**
- ✓ **Follow-up on corrective actions or recurrence**



Ramp Inspection

- ✓ **Harmonised procedures for all Member States**
- ✓ **Inspection based on suspicion of non-compliance with international safety standards**
- ✓ **Non- discriminatory spot-checks allowed,**
- ✓ **Should avoid unreasonable delays**



Exchange of Information

- ✓ **Statistical information to prove compliance with the Directive will be given to the Commission**
- ✓ **Collected information will be given to the Commission and available to all Member States**
- ✓ **In case of potential safety threat, immediate notice to each Member State and the Commission**



Protection

- ✓ **Protection of the source of information (e.g. crew)**
- ✓ **Appropriate confidentiality of information exchanged between Member States**



Dissemination of information

- ✓ **Dissemination of relevant information to interested parties - using this information to improve safety**
- ✓ **Publication of a yearly report by the Commission**



Possible Measures

- ✓ **Grounding of unsafe aircraft**
- ✓ **Focused inspection of identified aircraft, operator or State**
- ✓ **Imposition of an operating restriction (ban included) on individual operator**



“The Black List”

REGULATION No 2111/2005

OF 14 DECEMBER 2005

ON THE ESTABLISHMENT OF A COMMUNITY LIST OF AIR CARRIERS SUBJECT TO AN OPERATING BAN WITHIN THE COMMUNITY AND ON INFORMING AIR TRANSPORT PASSENGERS OF THE IDENTITY OF THE OPERATING AIR CARRIER AND REPEALING ARTICLE 9 OF DIRECTIVE 2004/36/E

Official Journal of the European Union n° L 344 of 27 December 2005, p. 15, <http://europa.eu.int>



“The Black List”

2 components / several advantages

Safety measures aspect:

All operating bans are now decided:

1. at Community level,
2. on the basis of common criteria and
3. are applicable everywhere in the Community



“The Black List”

2 components / several advantages

Passengers rights aspect:

- 1. Responding to a request for more transparency on safety measures;**
- 2. Additional rights for passengers when a carrier is placed on the black list :**



“The Black List”

Which airlines are covered ?

ALL airlines whatever:

- their origin
- their economical model
- the kind of flights operated

= > **No discrimination whatsoever!**



“The Black List”

**Common Criteria for decisions to be taken on a
case-by-case basis**

3 categories

- Deficiencies detected on aircraft and/or,
- Lack of ability of the airlines to solve deficiencies and/or
- Lack of ability of the competent authorities for oversight to fulfil their ICAO obligations



“The Black List”

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Olga Koumartsioti

Air Transport – Aviation Safety

Tel. +32 2 2966740, Fax +322 2967082

olga.koumartsioti@ec.europa.eu