ASD High Level Position:
Revision of the Basic Regulation of the European Aviation Safety Agency (EASA)
Background:

On 7th December 2015, the EU Commission tabled its long awaited proposals for a new EU Aviation Strategy, including its proposal to amend the basic regulation of the European Aviation Safety Agency (EASA) based on the lessons learned from the first ten years of the Agency’s existence.

Many highly skilled European jobs are generated by the civil aeronautics industry, in the prime Original Equipment Manufacturers (OEMs) as well as the many supply chain companies including many SMEs: employment in ASD industries reached 795,000 direct jobs in 2014. Many more indirect jobs depend on this industry. In 2014, this sector achieved a turnover of approximately 102 billion Euro in civil activities. The European Industries are also champions for exports outside the European Union contributing to the European trade balance and creating prosperity for the European economy.

The revision of the EASA basic regulation is therefore of strategic importance for the competiveness of the EU civil aeronautical manufacturing industry within the global civil aviation market. In particular, EASA needs to be equipped with efficient working methods and sufficient financial means to carry out its certification tasks and to support industry projects at the global level. This is essential to ensure that European manufacturers continue to be world-class leaders in the future as well.

High Level ASD Comment to the Commission Proposal COM(2015)613

ASD generally speaking welcomes the Commission proposal, which is a step in the right direction. Nevertheless, a number of further improvements to EU Commission proposal should be made during the co-decision legislative procedure.

ASD in particular welcomes the flexibility provisions for the EASA certification budget and staffing (Article 109) which allows EASA to swiftly respond to market demand and corresponding revenues from fees and charges. This is essential to avoid costly delays to industry certification projects. Moreover, since the EASA certification budget is entirely funded from industry fees, there is no justification to submit it to the same constraints as the EU public budget.

ASD also welcomes the strengthening of the EASA international role (Article 77) in particular to ensure a more coherent European approach within the International Civil Aviation Organization (ICAO). Nevertheless, this article should be further strengthened to reflect on the importance of appropriate EASA (technical) representation in key export markets and with the aim to support the smooth certification of European products in those foreign countries. The EU, drawing on the expertise of EASA, should ensure an increase in visibility on the world stage and further influence
global standards in ICAO, including leveraging EASA expertise to foster increased technical relationships with the fastest growing aviation markets such as USA, China, South East Asia, India, Brazil and Japan.

In the field of environmental protection (Article 75), ASD welcomes the need for cooperation between EASA and other EU institutions in the field of the EU REACH legislation. This is important bearing in mind that for aviation safety reasons, the aviation industry often needs to continue using certain chemicals which are affected by REACH and for which there are no alternatives.

ASD also welcomes the Agency’s initiative to publish an environmental review, every three years, to provide an objective account of the state of environmental protection relating to civil aviation in the Union”. ASD is ready to continue contributing to this environmental review report. However, in the field of noise and emissions (Article 9), ASD believes that it is essential that European rules remain aligned with ICAO Annex 16 to ensure a level playing field for our industry vis-à-vis our international competitors. The new proposed Annex defining Essential Requirements for Environmental Protection therefore raises concerns and therefore needs to be reviewed to avoid unintended consequences and undue burden on industry when EASA’s implementing rules are updated.

ASD welcomes the recognition of the need for performance based EASA rules (Article 1 and Article 4). This is essential to prevent overburdening the industry with detailed technical rules which are not justified on safety grounds. Further work will need to be done to implement a performance based system within the EASA regulatory system and prioritise where it provides most value.

In this context, ASD also welcomes the many changes to the EASA basic regulation which aim to reduce the regulatory burden for the general aviation sector in line with the EASA General Aviation Roadmap. One size clearly does not fit all since the rules for large aeroplanes are clearly not suitable for the general aviation and rotorcraft communities.

ASD welcomes the strengthening of EASA’s role on Unmanned Aircraft (article 46). It is essential to put in place the necessary safety rules in order to allow for the growth of this emerging sector in a safe manner. ASD believes that it is important for EASA to be equipped with the necessary resources to deal with Unmanned Aircraft and in particular to put in place proportionate rules not only for the smaller Unmanned Aircraft but also for the larger products.

Regarding fines and penalty payments (article 72), ASD believes that is essential to revise the Commission proposal so that the necessary implementing rules can be put in place in line with the intention that fines and penalties should only be used as a last resort when all other enforcement methods have failed and when a real safety hazard has been created. Fines should be limited to the economic activity related to the breach. Level 2 findings should never trigger a fine.

In the field of research and innovation (Article 74), ASD welcomes a stronger role for EASA to identify civil aviation safety related research priorities. However, the Commission proposal to
expand EASA’s role to all fields of civil aviation research (not limited to safety) goes too far in ASD’s view.

Regarding the new roles for EASA on aviation security (Article 76), ASD believes that it is important to strengthen the EASA role on interdependencies between safety and security, including for cybersecurity. ASD has doubts about the proposal (article 76.2) for EASA to provide technical assistance to the Commission on other security matters (i.e. airport inspections). Principally ASD is concerned that the necessary resources and budget might not be fully transferred to EASA for these new tasks which will require extra resources and expertise and therefore could negatively impact EASA’s existing core safety functions.

Regarding the roles of the EASA Management Board and the industry Advisory Board (Article 85), ASD believes that it is essential to also consult the EASA Advisory Board on matters related to the EASA budget, European Safety Programme and European Safety Plan. Moreover, with regard to the composition of the EASA Management Board (Article 86), ASD is concerned about the additional constraints introduced which limit the EAB representatives to the EASA Management Board to 24 months, extendable once (whereas Member States are limited to 30 months with no limits to extensions). Since the EAB is regularly electing its Chairman and Vice Chairmen (every 30 months), there is no need for such constraints and there is no need to limit extensions of mandates (rotation is ensured by the democratic elections within the EAB). ASD therefore believes that the conditions for industry and Member State representatives could be harmonized (30 months with no limits to extensions).

Finally, regarding the evaluation of EASA every five years (Article 113), ASD believes that it is essential that the evaluation remains related to the entire EASA system (as opposed to the Commission proposal which limits it to the Agency only). Moreover, it is also important to ensure that the EASA Management Board and industry are fully involved in the evaluation and are able to comment on the final report before it is submitted to the Council and EU Parliament.

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Jan Pie

Secretary-General

3rd February 2016