



Revision of EASA Basic Regulation Assessment of EP Amendments (as of 12/09/2016)

Airlines for Europe (A4E), Association of European Airlines (AEA), European Regions Airlines Association (ERA), International Air Carrier Association (IACA) and International Air Transport Association (IATA) (*the associations*) would like to provide the following comments on the EP amendments to the proposal for a revision of EASA's Basic Regulation (2015/0277(COD)).

I. POTENTIAL EXTENSION OF ISSUES COVERED BY EASA

1. SOCIAL ISSUES

There is no proven link between safety and social matters. Current aviation safety regulations in Europe provide for comprehensive regulatory measures that ensure a very high level of safety. They undergo a robust preparatory process, taking into account scientific research, operational expertise and stakeholder input. There is no need for additional requirements on the basis of social aspects or employment conditions.

- **AMDTs to reject: COMP 5, COMP 19, COMP 60, 58, 247, 266, 308, 322, 325, 326, 327, 328, 329, 330, 331, 343, 344, 352, 354, 355, 360, 361, 362, 364, 371, 372, 432, 433, 442, 501, 502, 729, 894, 895, 902, 952, 953, 955, 1054, 1055, 1057, 1058, 1059**

2. GROUND HANDLING (Art. 29, 32, Annexes VII point 4 and VIII)

We do not support the inclusion of ground handling services in the revised Basic Regulation as existing industry practices, including the adoption of industry standards and of robust Safety Management Systems (SMS), already provide the required level of safety. In order to further improve the current good safety record, regulators should support existing standards and programs. To the contrary, a possible inclusion of ground handling would create an extra level of bureaucracy without improving safety while only imposing more costs on ground handlers and therefore ultimately on airlines and passengers (as the Impact Assessment correctly points out on page 59).

- **AMDTs to support: 7, 29, 68, 69, 70-75, 77, 241, 255, 260, 276, 277, 278, 279, 399, 379, 380, 400, 401, 402, 539, 570, 575, 578, 579, 580, 583, 585, 1062, 1063, 1065, 1066, 1067, 1069, 1070, 1071**
- **AMDTs to reject: 541, 542, 545, 565, 568, 569, 572, 582**

3. ENVIRONMENT (Art. 75 and Annex III)

While recognising that EASA can contribute to improving the environmental performance of air transport in Europe, the associations emphasise that this must be done in accordance with and respect of global standards in a global industry such as aviation. Moreover, any divergence from a global standard, imposing more stringent measures in Europe, would put European operators and the industry as a whole at a competitive disadvantage. This would undermine the very objective of the Commission's Aviation Strategy: to enhance the competitiveness of the European aviation sector. Global standards set at ICAO level ensure a level playing field in terms of regulation. ICAO standards are the result of a robust and comprehensive decision-making process by ICAO's Committee for Aviation Environmental Protection (CAEP), a forum which carries out technical work to address key

environmental concerns. The certification standards adopted by CAEP benefit from universal support and are based on thorough assessments of their technological feasibility, their environmental benefits, their economic reasonableness, and on possible interdependencies with other measures. The CAEP process provides for the participation of all stakeholders, including the European Commission, environmental nongovernmental organizations, airlines and manufacturers. The importance of basing environmental standards for products on ICAO standards and recommended practices is recognized in Recital 13. However, we are concerned that the formulation in Annex III of the essential requirements for environmental compatibility related to products could allow European regulators to define standards which are not aligned with the international framework. As mentioned above, the standards developed by ICAO are based on an assessment of four criteria (technical feasibility, environmental benefits, economic reasonableness and possible interdependencies with other measures). However, Annex III only requires EASA requirements to take into account two of these criteria, without providing on how to settle potential conflicts between the two: environmental benefits and potential interdependencies (or “trade-offs”). In addition to the incompatibility of the wording with the international framework, this would in principle authorize the adoption of standards which are not safe or would have an unreasonable economic impact on all or some manufacturers or airlines.

- **AMDTs to support:** 6, 16, 60, 61, 188, 234, 235, 273, 274, 275, 345, 346, 462, 464, 468, 484, 847, 848, 851, 853, 857, 858, 859, 1047, 1048, 1049
- **AMDTs to reject:** 17, 187, 193, 194, 246, 247, 249, 250, 252, 272, 315, 347, 348, 354, 365, 366, 390, 411, 461, 463, 485, 845, 846, 854, 855, 856, 862, 864; COMP 64 & 65, COMPs 45 & 46 (wording needs to be improved)

4. CABIN CREW (Articles 19-25, 51)

We oppose the additional requirements of certification and/or approval instead of attestation for cabin crew, training organizations and instructors/examiners as proposed by the EC. There is no safety justification for the extension of EASA’s scope in this area. We note with concern a clear tendency to introduce various requirements for cabin crew without a proper safety justification supported by objective quantifiable data. All these new requirements represent potential burdens and additional cost without any indication of tangible advantages for the industry or consumers, who will bear the end cost.

- **AMDTs to support:** 282, 50, 489, 500, 504, 810
- **AMDTs to reject:** 64, 65, 66, 88, 91, 92, 236, 331, 360, 361, 362, 364, 486, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 501, 502, 503, 669, 1050, 1057, 1058, 1059, 1066, 1067, COMP 19

II. BUDGET (Article 109, para 1, point f)

We oppose the financing of EASA through en-route charges: indeed, pursuant to international law, route charges may only include costs related to air navigation services and, more specifically, navigation services specifically provided to the company actually paying the charge. There is no guarantee that air operators will not end up being double charged by Eurocontrol and EASA for the same purpose.

- **AMDTs to support:** 332, 333, 961 to 969
- **AMDTs to reject:** COMP 61, 229, 230, 960, 971

III. WET/ DRY LEASE (Article 123 point 4)

We welcome the removal of the requirement of prior approval for leasing arrangements which do not involve a third country operator and urge the legislator to also facilitate and streamline the leasing acceptance / approval when third country operators are involved. We welcome the clarification that an aircraft used by an EU carrier can also be registered in a third country.

- **AMDTs to support:** 1007
- **AMDTs to reject:** 1002 to 1006

IV. SECURITY (Article 76 and Annexes II, VIII)

The associations welcome a stronger coordination between the European institutions in order to avoid duplicative or contradictory requirements, for example with regard to inspections, crew training, unruly passengers or cyber security. We agree on the need to include enabling provisions in the Basic Regulation in order to address adequately airworthiness-related security matters and to establish a legal foundation to deal with aviation systems' cyber security, as proposed in Annexes II and VII. However, we believe that any further extension of EASA's mandate is only warranted when there is a clear link to safety. In this regard, we note that the very general wording of article 76 may lead to confusion and overlap of aviation security-related regulations. The text of the proposed Regulation should therefore include clarifications on the scope of EASA activities related to security matters. Additionally, when issuing airworthiness directives or safety information bulletins related to protection of civil aviation against acts of unlawful interference, EASA should consult the aviation security community represented in the EU Civil Aviation Security Committee and the Stakeholder Advisory Group as per Regulation (EC) No 300/2008. In general, we recall that aviation security policies rely on the capability to identify the evolving threat to which aviation is exposed in real time, based mainly on information provided by national intelligence services. Risk-mitigation measures are proposed which take into account political and diplomatic considerations with regard to third country partners and the general public as well as technical considerations. In this context, the current regulatory system overseen by DG MOVE provides an adequate platform for the development of aviation security regulations.

- **AMDTs to support:** 195 (after "*security matter*"), 196, 258, 356, 423, 653, 654, 809, 870, 871, 873, 874, 878, 879, 880 (without reference to common risk assessment) 881 (without reference to common risk assessment), 885, 986, 1067, COMPs 48, COMP 50, COMP 51,
- **AMDTs to reject:** 12, 195 (until "*security matter*"), 197, 198, 321, 331, 343, 355, 363, 540, 594, 643, 842, 865, 868, 869, 872, 877, 882, 883, 884, 886, 887, 888, 889, 890, 892, 894, 895, 1064 49 (reference to aerodromes), COMP 53 ("*common risk assessment*")

Specific topic: OVERFLIGHT OF CONFLICT ZONES

- **AMDTs to support:** 161, 199 (after "*regulation*"), 880, 881
- **AMDTs to reject:** 887, 892, 199 (before "*regulation*"), COMP 52 (*binding directives*)

V. REFERENCE TO SINGLE EUROPEAN SKY (Art. 78, 79 and 80)

EASA can support the timely and synchronized deployment of SESAR technology by ensuring its readiness for implementation in terms of standards and/or regulations. Full consultation with stakeholders and proper coordination with SESAR Joint Undertaking (SJU), European Organization for Civil Aviation Equipment (EUROCAE) and with the SESAR Deployment Manager will ensure modernization of the ATM system in a synchronized manner. We believe that EASA's role in the setting of performance targets would be effective as long as it is combined with the application of the advisory procedure for approval of those targets by the European Commission, as laid down in Art. 11(2) of the proposal for a Regulation on the implementation of the SES (recast) and adopted by the European Parliament.

- **AMDTs to support:** 28, 32, 332, 333, 340, 395, 814, 910, 911, 912, 913, 961, 962, 963, 964, 965, 966, 967, 968, 969
- **AMDTs to reject:** 661, 909

VI. DRONES (Art. 45, 46, 47 and Annex IX)

Regarding the inclusion of Remotely Piloted Aircraft Systems (RPAS) in the scope of the Basic Regulation, we believe that the EC and EASA should introduce regulation to ensure the safe operation of all RPAS and to avoid any interference with Commercial Air Transport. All RPAS, including small recreational operations, shall operate within clearly defined and documented limitations; RPAS users shall be educated (or even licensed) to comply with RPAS regulations. Furthermore, in order to prevent misuse, strictly enforced legal and/or administrative sanctions should be imposed for using RPAS in an unsafe or dangerous manner, especially near airports or commercial aircraft. Ideally RPAS devices should be registered and traceable.

- **AMDTs to support:** 2, 2, 119, 244, 286, 288, 289, 290, 292, 293, 294, 295, 337, 414, 419, 634, 635, 637, 638, 640, 639, 641, 646, 647, 648, 649, 650, 651, 653, 654, 655, 656, 659, 787, 1008, 1009, 1102, 1103
- **AMDTs to reject:** 1100, 272, 287, 315, 338

VII. OTHER ISSUES

- **Flight data and cockpit voice recordings**

The airline associations are strongly opposed to the proposed Flight data and cockpit voice recordings real time download. Such measures are a clear threat to a meaningful implementation of *Just Culture* in the European Aviation (EC 376/2014) and of Safety Management Systems by airlines. Current flight data and cockpit voice recorders are sufficiently reliable the European Commission already took measures through Regulations to improve even further their performance (COMMISSION REGULATION (EU) 2015/2338 of 11 December 2015 amending Regulation (EU) No 965/2012 as regards requirements for flight recorders, underwater locating devices and aircraft tracking systems). Real time data streaming has no added safety value, but opens the door to negative issues relating to data protection, potential abuse and unlawful disclosure or transcription. The proposed measures are also incompatible with the ICAO provisions on flight recorders and protection of safety information.
- **AMDTs to reject:** 334, 521, 527, 772, 1044, COMP 39



- **Pool of inspectors**

- **AMDTs to support: 99, 297, 299, 300**
- **AMDTs to reject: 10, 298, 679**

- **Executive Board**

- **AMDTs to support: 935, 936, 942**
- **AMDTs to reject: 921, 937, 938**

- **Organisations operating multi-nationally**

The airlines associations strongly support Article 54 in the EC proposal which correctly addresses the needs of multi-national operations. The associations hence recommend not to support amendments to Article 54.

- **AMDTs to reject: 718-727**
