



European Aviation Safety: What can we do better?

A comment by Prof Matthias Finger

The revision of EASA's basic regulation

Standard setting and authorisation in aviation are demanding tasks. The complexity of this process in the European context has been behind the motivation to move to a more integrated European system early on.

Since 2002 the European Aviation Safety Authority (EASA) is in charge of issuing a single airworthiness certificate for all its member countries. EASA earns credit for making the system more efficient, yet today a number of problems have emerged as regards EASA's basic regulation ((EC) No 1592/2002).

Currently there is an ongoing process of revising EASA's basic regulation. In spite of EASA's achievements in developing a more harmonized model of European Aviation safety, a new approach to regulation is needed to cope with future challenges. This is mainly due to the fact that increasing levels of air traffic (50% over the next 20 years) require a more efficient system of regulation and oversight to maintain an equal or even an increased level of safety.

Regulation needs to improve in three aspects. **It needs to become more efficient, proportionate and flexible.** Regulation is currently based on a prescriptive approach and should shift wherever possible to a performance based approach. Prescriptive regulation "specifies requirements for mandatory methods of compliance" whereas performance based

regulation focusses on defined safety objectives rather than procedural rules.

While the system can become more efficient with a performance based approach it will continue to be necessary to keep a prescriptive approach in several areas. Yet there are other sources for inefficiencies in the system.

Inefficient use of resources

A recent study commissioned by EASA found that the growth of the industry over the last 10 years outpaced the increase in the workforce and budgets of all authorities responsible for aviation safety. In fact one of the most crucial issues for EASA is directly connected to funding: National Aviation Authorities (NAAs) across Europe provide for very different levels of staff and funding. This leads to instances where European regulations are not applied correctly as insufficient resources are available within the responsible NAAs.

This can not only lead to potential safety risks but also to mistrust between member states as some countries are more compliant with EU requirements than others. Mutual trust is however an important component for the development of a more efficient system. While there are cases of underperformance there are also cases of so called "gold plating" where member states impose overly demanding interpretations of the law.

The use of available resources could be optimized in several ways: One of the most expensive components of safety oversight are the EU-accredited aviation safety inspectors who have to be recruited through the member states. This could be done in a more efficient way by letting EASA create a common cross-national pool of experts.

Furthermore there is currently no system for sharing of resources between NAAs and EASA.

Which role for EASA in the future

EASA is an Agency integrated in the institutional structure of the EU. However, unlike other EU Agencies, it enjoys a substantial amount of autonomy on technical matters by having substantial executive and advisory functions¹. Since its establishment the EASA's remit was continuously extended. Starting with airworthiness and environmental certification it now includes in principle all aspects of aviation safety including airports, air navigation services and pilot training.

In the future EASA should play a more prominent role on the international scene, notably in ICAO and in the negotiation of mutual acceptance agreements, an evolution that is supported by the industry.

It is furthermore considering a change in its statute: unlike its US counterpart (the FAA), EASA does not explicitly have the mandate of "supporting the aviation industry", even though this is somehow implicit in article 2 of the EASA Basic Regulation which lists EASA's objectives. If such an objective was added to EASA's mandate it could focus its activity stronger on the industries' requirement. It would also entail that Europe acts more strongly on the level of ICAO to set global standards. This is supported especially by Europe's aeronautical industry.

While the Commission supports a strong role of EASA, it stresses the importance of maintaining political control over EASA.

Interests at Stake

A large number of Small and Medium sized manufacturers are directly affected by the outcome of the reform process. For these companies the system has to allow for more differentiation between acceptable levels of risk (minor, medium, major). For instance currently SMEs active exclusively in the maintenance of small leisure aircraft fall under the same regime as big carriers.

This creates inappropriate costs for demonstrating compliance which grow every time further regulation is introduced.

It has to remain feasible for SMEs to comply with safety

¹ Kassim, H. Air Transport and the European Union, Palgrave, London, 2010

procedures without being overburdened with bureaucracy. Summing up, EASA faces three big and important challenges and the revision of the basic regulation can be an opportunity to solve them:

- Bringing down costs: there is a huge potential for increasing efficiency by better organizing available resources
- Reducing Administrative burden for the industry: the prescriptive approach creates excessive cost to demonstrate compliance and diverts resources from innovative activity to administrative tasks.
- Maintain a high level of safety for EU citizens in Europe and worldwide.

Performance based regulation and risk based oversight are one way to achieve this. Furthermore the role of EASA and the role of national aviation authorities have to be rethought in a way that embraces greater efficiency.

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