FLYING SAFELY IN EUROPE

EU aviation safety and security policy

Directorate-General
for Energy and Transport

EUROPEAN
COMMISSION

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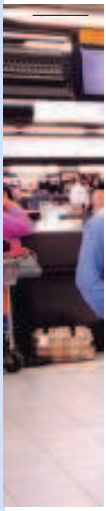

The European Commission's Directorate-General for Energy and Transport develops and implements policy in these closely linked areas. The 2001 White Paper, 'European transport policy for 2010: time to decide', sets out 60 practical measures designed to bring about significant improvements in the quality and efficiency of transport in Europe by 2010, and to achieve a rebalancing between the modes of transport. Air transport operators have been free to provide services throughout the EU market since 1997. Ensuring the highest levels of safety and security for aviation services throughout the European Union is essential for all European citizens, and also helps the efficient development of the common air transport market.

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SAFER SKIES FOR ALL CITIZENS

On a peak summer's day, as many as 30 000 civil flights may operate in Europe. And with numbers growing each year, the sky over parts of Europe can get very crowded. Statistically, flying is one of the safest means of travel, and in comparison to other parts of the world, Europe has a very strong aviation safety record. Nonetheless, EU policy-makers are determined to ensure that the safety of flying in Europe continues to improve.

The European Union has created a single market for aviation services, meaning that an airline registered in an EU Member State may operate flights anywhere in the Union. This single market makes it essential that common safety standards are developed and applied across Europe, especially when an aircraft taking off in one Member State may pass through the airspace of several others during a short flight.

By applying Europe-wide safety standards, passengers, crews and citizens on the ground can be certain that the same high standards govern all aircraft. It also avoids uncertainty and confusion which may be created through the existence of different national standards. And even when there are only marginal differences between different national standards, the costs of complying separately with multiple standards can represent a significant burden on manufacturers and operators.

European regulators, operators and manufacturers have long experience of developing and applying safety standards, and history shows that these standards have made Europe one of the safest areas in the world in aviation terms. Whilst the system has grown up with separate national bodies and rules, European authorities have worked together – and within international organisations – increasingly closely in recent decades, pooling resources and sharing tasks to reduce duplication of effort.

But the voluntary approach adopted thus far lacks effective mechanisms to ensure proper implementation of agreed standards across Europe. Therefore, the Union has, in recent years, adopted legally binding, common EU rules, following a new approach. And to ensure their effective implementation, the EU has established the European Aviation Safety Agency (EASA), which is gradually taking over a range of tasks for the whole EU.

'Aviation safety' is generally agreed to mean ensuring that equipment, products and systems used for providing air services are designed, built, maintained and used appropriately, and that individuals and organisations are properly trained, certified and monitored. Whilst cooperation at EU level in this field has been developing over many years, work in a second field is much more recent.

'Aviation security' means preventing individuals or organisations maliciously compromising the safe operation of aircraft. Threats to safe operation, such as terrorism, have been apparent throughout Europe for decades, but securing airports and aircraft in defence of such organisations had largely been undertaken by national security agencies acting alone or in bilateral cooperation with individual partner countries. Partly because the threat to different Member States came from different specific organisations, and because agencies were guarded in revealing their methods, there was little interest in an EU-wide approach to security.

However, the airborne terrorist attacks in the USA on 11 September 2001 led to a reappraisal of the terrorist threat in Europe, and national ministers rapidly agreed that a common approach was essential to protecting European citizens from this heightened threat. As a result, the EU has swiftly adopted a range of rules in the security field, to ensure the highest possible security standards are applied consistently at all airports in the Union.

This brochure outlines EU policies, looking first at the steps taken to ensure airport security since 2001, and then at the aviation safety field.

SECURING AIRPORTS

Airports – of which there are almost 500 in the EU – are the weak point in securing aviation operations, and therefore the EU's aviation security policies are focused on ensuring effective security measures are applied at all airports within the Union. These rules are designed to bring operations at all EU airports up to agreed baseline standards, although nothing prevents individual countries, airports or operators from applying more stringent standards where they are judged necessary.

Very rapidly in September 2001, once the EU's transport ministers had agreed that EU rules were essential to protect aviation, the European Commission was requested to draft a proposal for EU-wide rules. It found that all 15 then-Member States were already signatories to a set of common security standards developed by the European Civil Aviation Conference (ECAC), a pan-European organisation. However, it was then established that none of the Member States were applying these standards in full.

The value of EU legislation in this field was therefore immediately apparent. Making these standards a legally binding obligation on all Member States would give the impetus needed for their consistent application across the Union.

The Commission, working closely with experts from the Member States, developed an essential set of security standards, using the ECAC document as a base. Despite the initial momentum in autumn 2001, it was not until December 2002 that a framework regulation ([1]) was finally adopted by the European Parliament and Council using the co-decision procedure. This framework regulation sets out the principles and goals of EU legislation in the field, within which detailed implementing legislation is adopted by the Commission following consultation of Member States' experts.

'The AEA welcomes the development in recent years, at EU level, of mandatory rules harmonising aviation security, particularly where this has helped reduce the inefficiencies and administrative burdens of having different regimes. The example of one standard EU structure for air carrier security programmes, although not mandatory, should lead to improved procedures and enhanced security.'

Ulrich Schulte-Strathaus, Secretary-General, Association of European Airlines

A key feature of the regulation is that each Member State has to adopt a national civil aviation security programme – or bring their existing programme into line with the EU rules. Furthermore, each Member State is responsible for ensuring that all airports and airlines operating on their territory adopt and implement their own security programmes to meet the requirements of the EU-wide rules. The Commission carries out inspections in the Member States to verify whether all required actions are being implemented by the national authorities.

Secure areas

The regulation seeks to ensure that no unauthorised person may gain access to an aircraft at any time, and that no object may be loaded – intentionally or unintentionally – onto an aircraft without first being subject to security controls. To accomplish this, all airports are required to maintain secure zones, to which entry is controlled. 'Security-restricted areas' include all areas of airport buildings and the airfield itself, from which access to aircraft may be possible.

Security-restricted areas include relevant parts of passenger terminals, of course, but also areas within cargo and mail terminals, maintenance facilities, fuelling and catering facilities, all of which are subject to security restrictions.

In short, all entry points to the security-restricted area of an airport must be controlled, to ensure that no unauthorised person gains access at any time. Furthermore, staff and others passing through such entry points must be screened to ensure that no dangerous articles, that is, those on a list of prohibited items, such as weapons or potential weapons, may be introduced into the security-restricted area.

Staff at airports, whether working for the airport, for airlines (including flight crew), for suppliers, or for sub-contractors, must all undergo regular background checks, to establish that they may have unescorted access to the security-restricted area. All staff must wear airport identity cards visibly at all times when on duty, to facilitate access-control measures. Likewise, vehicles used airside are inspected before entering secure zones, and must display a pass at all times.

(1) Regulation (EC) No 2320/2002 of 16 December 2002 establishing common rules in the field of civil aviation security; OJ L 355, 30.12.2002, p. 1.

All staff working in security restricted areas must receive regular training on aviation security. In particular, this training should help them to identify possible risks and ensure they report them to the airport authorities.

Finally, all areas of an airport, both security-restricted and public, must be subject to constant surveillance and regular patrols by security staff.

Securing aircraft

Aircraft themselves, whilst on the ground, must receive particular attention in the security provisions for any airport. All aircraft must be kept under surveillance and regularly patrolled. Access to aircraft both in and out of service must be controlled. Once an aircraft is brought into service, it undergoes a security search, to ensure no dangerous object has been concealed. From the moment the search starts, until the aircraft departs, it must remain guarded to prevent unauthorised access. Furthermore, aircraft being turned around between flights (that is, remaining in service) are subject to a security check before a new set of passengers embark and/or baggage or cargo is loaded.

Checking passengers

Passengers make up a significant proportion of those passing through the secure zones of any airport, and by far the biggest proportion of those who actually board aircraft. But in contrast to the staff working in and around an airport, security authorities do not have the possibility to carry out thorough background checks on all passengers. Therefore the focus in dealing with passengers is to keep them within areas where their ability to compromise aircraft security is limited, and to ensure they are not able to carry prohibited articles on board any aircraft.

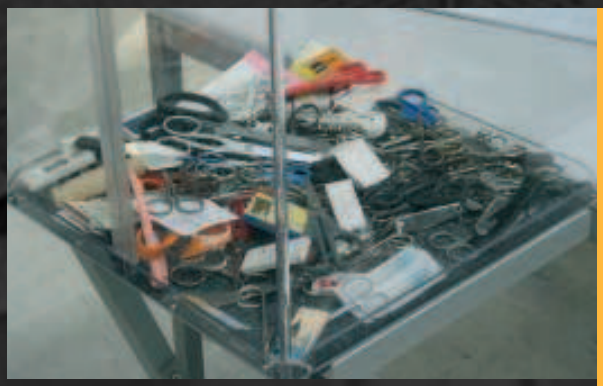
All passengers – as with staff too – must be screened by metal detectors or by hand on entering the secure zone of an airport, prior to boarding their aircraft. When a passenger sets off the alarm on a metal detector, a second screening, either with the metal detector or by hand must be carried out to identify the object which activated the alarm. Where metal detectors are used, random screening of passengers by hand must also take place, to find prohibited non-metallic items.

Inspections

The regulation on civil aviation security also mandates the European Commission to carry out inspections at airports throughout the EU. Of course, national authorities themselves carry out regular inspections – both announced and unannounced – to ensure standards are being met. Inspections by Commission teams, which also include seconded national inspectors from Member States other than that of the airport being inspected, are crucial to ensuring the EU rules are being fully implemented across Europe. The presence of national inspectors means that individual Member States can have greater confidence in the standards applied in other countries, and in the event that deficiencies are found, peer pressure encourages problem airports to take swift remedial action.

EU inspection teams are usually composed of at least four highly-trained inspectors who will spend a week thoroughly examining operations at an airport around the clock – since an airport does not simply operate from 9 am to 5 pm. At the end of an inspection, the national authorities are told immediately if deficiencies are found in order that rectification can commence straight away.

The Commission's inspection system became fully operational in 2004. Their intention is to inspect around 40 airports, including at least one in each Member State, each year. The sample chosen each year will include different types and sizes of airports. Any airport which has been required to make improvements following inspections will be the subject of follow-up inspections.



Passengers' hand baggage, which will travel in the aircraft's cabin with them, must also be screened, either by hand search or using x-ray equipment.

Since the same standards apply across the EU, transfer passengers who commenced their journey within the EU need not be subjected to re-screening at the transfer airport. However, in airports where arriving passengers from both EU and non-EU airports cannot be segregated, such re-screening is required to maintain high levels of security.

Baggage and cargo

Whilst screening of passengers and their hand baggage focuses primarily on finding prohibited articles which could be used as weapons, screening of hold baggage is most concerned with identifying explosive substances which could damage an aircraft in flight. In principle, baggage is only carried in the hold of an aircraft on which the passenger who owns it is travelling. Once checked in by the passenger, hold baggage must be kept securely by the airline, to avoid tampering and/or prohibited articles being inserted into a bag. All hold baggage must be screened, either by hand or by x-ray, or by specialist explosive-detection equipment.

As well as baggage belonging to passengers, a wide range of cargo, courier deliveries and mail, as well as airlines' own supplies, are carried on aircraft, both in the hold on passenger-carrying flights and in dedicated freighter aircraft. The regulation lays down standards for security controls to be applied to cargo. This may be done at the airport by the airline as with hold baggage, or may be delegated to trusted partners, such as courier companies, making regular consignments.

Through the airport

Regular travellers may grow weary at what they see as excessive security procedures, but each and every procedure is carried out for their safety.

I had to show a passport or national identity card when checking in, even for domestic flights. Why did I have to show it again when boarding?

Airlines do not check your passport for immigration controls, but to prove you are the person booked on the flight. And when boarding, the airline needs to ensure the person who checked in is the one who boards.

Why did I get frisked at security control even though the metal detector did not go off?

Firstly, not all dangerous items are metal, although most are. Secondly, random searches are conducted to ensure that the metal detector is still functioning correctly, and to check that passengers do not have prohibited articles concealed in their clothing.

Why at some airports can you walk to the aircraft across the apron, but at others you have to go in a bus, even for distances as short as 100 metres?

The EU standards are minimum ones, and Member States are able to set more stringent one. In this case, the bus for passengers will have been judged necessary following a risk assessment, looking at the areas to which walking passengers could gain access and the airport authorities' ability to watch them.

Why does the deadline for check-in before the scheduled departure time vary?

All airports must allow adequate time for the security screening of hold baggage to be done before bags may be placed onto aircraft. Airports vary considerably in shape, size and operations and so the latest check-in time will vary between airports.

'ACI Europe strongly supports national and EU policy-makers in the drive to establish anti-terrorist measures at European airports via consistent and comprehensive legislation. Governments and industry must continue to work together to ensure public confidence in European aviation. The effort to improve the standard of security must be unremitting.'

Roy Griffins, Director-General,
Airports Council International Europe

BETTER KNOWLEDGE MEANS BETTER SAFETY

A huge range of different types of aircraft are operated in and over the various EU Member States, in vastly differing conditions. Since a large proportion of these regularly fly throughout the EU's airspace, information which could help operators or national authorities maintain the best conditions for safe operation of aircraft is of relevance for all Member States. Indeed, aggregated information from all Member States is undoubtedly more comprehensive than that which any one Member State could generate from within its own territory.

There is a long-standing practice in aviation of seeking to learn from accidents and incidents, establishing what went wrong and why, with the aim of ensuring it cannot happen again. Unlike in other spheres, investigations of this sort are not conducted with the intention of apportioning blame or determining liability, although judicial investigations can take place in parallel when legal obligations require this.

Sharing information, provided it is presented in useable formats, is the best way for all who need it to be fully informed. As a given problem in operating a particular aircraft type may reoccur in different circumstances, unless operators benefit from the knowledge gained by others, they need to be forewarned of all known problems.

Much information is shared internationally already. And in the case of accidents and major incidents, the aircraft manufacturers are closely involved in investigations, and can subsequently provide information and if necessary perform modifications for all customers of the type. But for other incidents, information needs to be shared if the full benefits are to be derived. For this reason, the EU has developed mandatory systems for exchanging information collected through national reporting systems.

Accident investigation

Action at EU level in the field of investigating accidents dates back to 1980. Current legislation in the field was adopted in 1994 (2) and covers all accidents or serious incidents which occur in an EU Member State's territory. It also covers accidents or incidents elsewhere involving an aircraft registered in a Member State or operated by a carrier or organisation from a Member State, unless another State's authorities carry out these investigations.

This legislation makes it mandatory to carry out technical investigations following any such incident or accident, with the aim of preventing future accidents or incidents. In order to avoid possible conflict with parallel judicial investigations, it ensures that such technical investigations have appropriate legal status. In particular, it ensures that investigators have access to evidence, test results and other information which may be in the hands of the police or judicial authorities.

Member States are required to establish permanent, independent civil aviation bodies to carry out such investigations. However, the legislation encourages Member States to work together, and a given Member State may delegate an investigation to another.

Following any investigation, a report containing safety recommendations must be produced. In the case of accidents, this shall be made public, whereas in the case of incidents it may only be circulated to parties which could benefit from it to improve safety. Critically, all Member States are required to establish a system for following up safety recommendations stemming from such reports, to ensure that they are properly taken into account by relevant parties.

Occurrence reporting

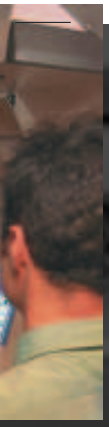
To develop a more pro-active information system, taking into account all possible safety-critical factors, not just those from major incidents or accidents, the EU has, more recently, adopted legislation on occurrence reporting (3). This establishes a linked system of databases for each Member State, in which details of reports of any problem which endangers, or could endanger, an aircraft, its occupants or others, are collected.

Each Member State should nominate an impartial body – which may be the same as that established to conduct accident investigations – to collect, evaluate and process reports of occurrences. These reports come from individuals or organisations working in the field. Anybody who makes such a report benefits from confidentiality and protection, to guarantee free reporting across the EU.

All Member States must have access to the information collected by all others, thereby ensuring the greatest possible contribution to improving safety. Moreover, information gathered through the system will also be disseminated to people and organisations who will be able to improve aviation safety. An annual safety review will be published. Whilst the mandatory system covers occurrences with actual or potential danger, the system allows individual Member States to extend their reporting and analysis procedures to other deficiencies which are seen by their reporters as actual or potential hazards to aviation safety.

(2) Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents; OJ L 319, 12.12.1994.

(3) Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation; OJ L 167, 4.7.2003.



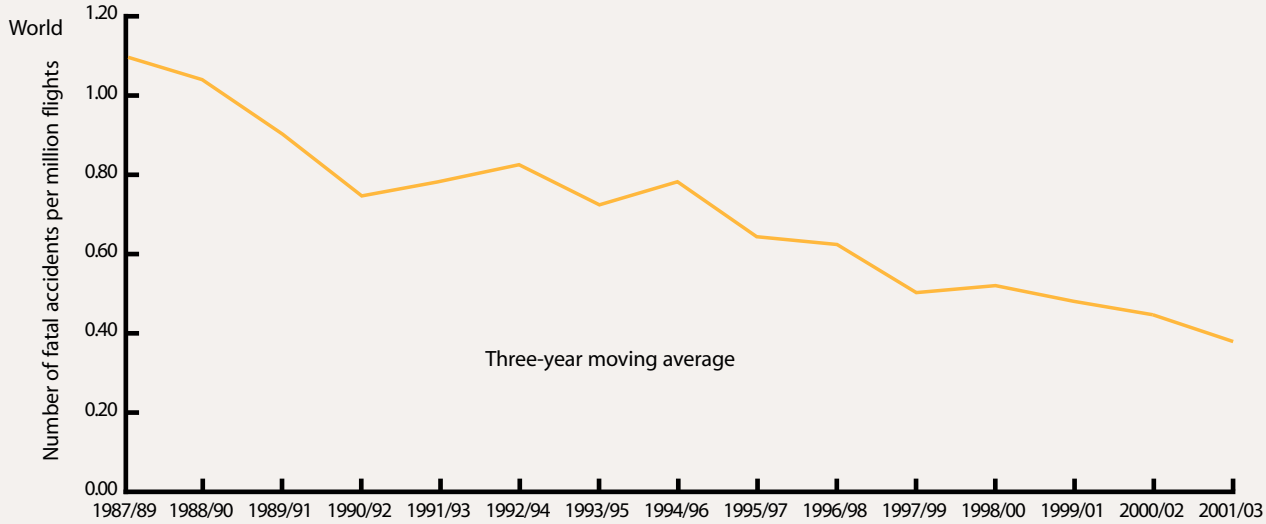
Inspecting foreign aircraft

The common EU aviation market is not a closed system, and every day hundreds of aircraft registered outside EU Member States fly into, out of and over the Union. Since these aircraft are not licensed by the authorities of Member States, they cannot be sure that they have been maintained properly and fulfil all the regulatory conditions which EU-registered aircraft are required to. Whilst the vast majority have passed comparable regulatory inspections in their home countries and are no less safe than aircraft registered in EU Member States, it is possible that a small minority may not be completely safe.

In 2004, the EU adopted legislation ([4]) on procedures for inspecting third-country aircraft which land at EU airports, and sharing information on their results amongst all Member States. Known as SAFA (safety assessment of foreign aircraft), an equivalent system already operated under ECAC rules, but adoption in EU legislation reinforces it and makes it obligatory. All Member States must now inspect an aircraft from a foreign country when it lands at one of their airports, where there is a legitimate suspicion that it does not conform to international safety standards. Such suspicions may arise from the aircraft's visits to other Member States, about which information must be shared throughout the EU. Unannounced inspections may also take place without grounds for suspicion. In the event that irregularities are found, the aircraft may be grounded until it is repaired, or Member States may ban that aircraft, airline, or even all aircraft from that country, from entering their airspace.

Under the SAFA system, the results of all inspections are shared amongst all Member States and the Commission. Action taken by one Member State such as banning an airline's aircraft from its airspace may, on a Commission proposal, be extended to the whole EU, with significantly greater consequences for the offender.

Decreasing trend in fatal accidents involving western-built jets (of over 5 700 kg maximum total weight authorised) throughout the world



Source: Civil Aviation Authority (CAA), United Kingdom.

(4) Directive 2004/36/EC of 21 April 2004 on the safety of third-country aircraft using Community airports; OJ L 143, 30.4.2004, p. 76.

SAFETY REGULATION ACROSS THE UNION

Aviation safety standards have generally developed separately in each Member State, at differing paces and against different backgrounds. Long ago, however, national governments recognised that cooperation and some harmonisation of standards was required for international civil aviation to develop safely. First at global level, through the International Civil Aviation Organisation (ICAO), and then at European level, through ECAC, national governments have worked together to develop procedures for safe operation.

Then in the early 1970s, the Joint Aviation Authorities (JAA) – a technical arm of ECAC – was established in western Europe. The JAA brought together technical experts from its member countries who worked together to elaborate agreed technical standards. These are known as the joint aviation requirements (JAR), and JARs now cover areas such as the design and airworthiness of different types of aircraft, training and licensing of crews and maintenance organisations, operations, environmental protection standards, and even flight simulators. Whilst the JAA was responsible for developing standards for certifying that particular products or parts are 'airworthy', that is correctly designed, manufactured and tested for flight, it was up to national aviation administrations to implement the JARs.

Consequently, as with other areas of intergovernmental cooperation, effective and consistent implementation of agreed rules and standards was difficult to secure. Furthermore, JAA member countries were free to add their own additional requirements on top of JARs. The result was a range of national rules, each with slight differences, certainly better than entirely different national rules, but the situation still meant considerable additional expenditure and significant time delays for companies and organisations operating in the EU. As a result, the EU has adopted legislation which brings many of the rules already agreed into EU law, and therefore makes them more consistently enforceable throughout the Union.

Airworthiness

For the aviation industry, one of the key regulatory areas is airworthiness. Under these rules, the design, production and maintenance of all aircraft, their parts and components must be certified as airworthy before an operator may use them. This means, for instance, that a given aircraft may not simply be brought from another country and operated. If it has a different engine, or a different navigation system, for example, than comparable models already in use in the EU, these will have to be certified before it can be used commercially.

EU legislation ([5]) from 1991 requires Member States to recognise type certifications, in conformity with JAA standards, done by other Member States. In other words, once a product is certified by one Member State, other Member States should not require any further testing to be carried out before granting a type certificate (i.e. a certificate authorising the use of a specific product) for their own jurisdiction. However, this system was not working as efficiently as it could, since different Member States were implementing the JARs differently. So the EU has adopted legislation under which a single type certificate applies to the whole EU ([6]).

Under the new system, the Union has created the European Aviation Safety Agency (EASA), which is responsible for issuing type certificates for new products and components for existing products. It also has responsibility for certifying design and maintenance organisations. Rather than invent new rules and standards, however, the legislation has incorporated the existing JAR standards into EU law, ensuring their uniform application across the Union. It is now up to the EU to maintain these standards at the highest possible level, notably through the work of EASA. In addition to airworthiness certification, EASA is also responsible for ensuring that all products meet environmental protection standards, which are becoming ever more important as air traffic grows.

(5) Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation; OJ L 373, 31.12.1991, p. 4.

(6) 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; OJ L 240, 7.9.2002, p. 1.

Air operations

The Commission has proposed incorporating JARs on operational procedures for civil aviation into EU legislation. The Council reached agreement on this proposal in December 2004, so it is likely that the legislation will be adopted by summer 2005, following completion of the legal process between Council and Parliament. These rules include measures on the granting of air operators' certificates by national authorities – and their mutual recognition throughout the EU – as well as procedures for operating aircraft in public commercial service. Furthermore, they also cover training levels and qualifications for flight and cabin crew.

In addition to the JAR rules, the proposed legislation also aims to harmonise flight crew time limits. At present different national rules apply, which may cause operational difficulties, and cause concern over accidents related to fatigue. Under the proposals, both the length of duty and actual flying times, as well as rest times, will be limited to the same periods throughout the EU. This will ensure that no flights on EU-registered airlines will require aircrew to operate beyond a reasonable duty time limit, and remove the dangers associated with fatigue.

Air operations are expected to become part of EASA's remit in coming years.

Licensing

As with many other professions, flight crew in the EU benefit from legislation on mutual recognition of qualifications (7) in respect of their licences. Whilst Member States are required to accept licences issued in other Member States, that does not mean the holder has an automatic right to fly aircraft types for which they are rated in that country. Since licensing standards have been laid down at national level, the requirements vary from country to country. Therefore, the holder of a flight crew licence may be required to undertake additional training or pass tests before a second Member State authorises them to operate in that country (in some circumstances through issuing a new licence).

The current situation clearly represents a barrier to free movement for flight crew within the single market, and may hinder the development of airline operations through lack of certified flight crew. The Commission is therefore preparing a proposal for EU legislation on harmonisation of flight crew licensing. Under this new system, it is expected that the requirements for licences would no longer vary significantly between Member States, and therefore the holders of a given licence would not have to apply to have their licence recognised, or undergo additional training or tests before operating in another Member State. According to this proposal, licensing will also come within the competences of EASA.

(7) Directive 91/670/EC of 16 December 1991 on the mutual acceptance of licences for persons working in civil aviation; OJ L 373, 31.12.1991.

European Aviation Safety Agency

The European Aviation Safety Agency (EASA) became operational in September 2003, and moved to its permanent headquarters in Cologne in November 2004. The agency provides assistance to the Commission, helping it to draw up proposals for new EU legislation. In certain areas, it also has executive authority, for example to issue type certificates. Control of the agency is in the hands of a management board, made up of representatives of each Member State, plus the Commission. There is an independent board of appeal, to which any natural or legal person adversely affected by a decision of EASA may make representations. Decisions of this board may in turn be appealed to the European Court of Justice.

Initially, EASA is responsible for certifying initial and ongoing airworthiness, and environmental protection, for all civil aviation activities throughout Europe, whether the products are manufactured in the EU or outside. In the future, it is expected that the agency will operate in additional competences, such as air operations, licensing of flight crew, airport safety, and air traffic management.

EASA is developing close relationships with national aviation authorities, to which it may delegate testing and certification work. Furthermore, to foster harmonisation of standards at global level, and reduce duplication of effort, EASA is also developing close working relations with major counterparts across the world, in countries such as the USA, Canada, Brazil and Russia, for example.

'The creation of a single European Aviation Safety Agency (EASA) was a longstanding request of Airbus, in order to benefit from a single efficient regulatory certification system giving access to a unified European market.'

'Airbus is confident that EASA will become a real and single aviation safety authority, similar to the Federal Aviation Administration (FAA) in the United States, with the capability of: drawing up common standards to ensure the highest level of safety and environmental protection; overseeing their uniform application across Europe; and promoting them at world level.'

Alain Garcia, Executive Vice-President – Engineering
Airbus SAS

Single European sky

Another key operational area for aviation safety is air traffic management (ATM). As Europe's skies get more and more crowded, delays build up and there are inevitable concerns about safety as systems are stretched. ATM in Europe, in common with other aspects of aviation regulation, developed on a national basis. So in the main, control centres – even those dealing with high-level traffic passing over a given Member State – are run by national service providers, using their own procedures and systems. Even though much harmonisation and cooperation has taken place to deal with the huge volume of traffic which crosses between the airspace of different Member States, there are still major differences between countries. Air traffic follows pre-determined routes or corridors at high level, and large parts of airspace are closed off for military purposes, sometimes even when there is no activity taking place.

In 1999, recognising that this system was significantly stretched at many points, the Commission proposed the 'single European sky' initiative, which entered into force in April 2004 ([8]). Its aim was to reorganise European airspace to take account of the actual patterns of traffic, maximising capacity, promoting the integration of civil and military ATM, setting common technical and procedural rules for ATM services to boost inter-operability, and fostering the development of a harmonised European ATM system. Member States are encouraged to work together to create so-called 'functional airspace blocks', which reflect operational requirements rather than national frontiers, with integrated air traffic control covering the whole block.

As well as this reorganisation, the single sky package also develops common principles for charging users for ATM services, based on transparency which should help to foster more efficient use of airspace. In terms of equipment, it aims to encourage Member States to move towards common procurement. By developing off-the-shelf solutions open to all service providers, common procedures are much easier to implement.

All of the different aspects of the single sky package are being developed with safety at the forefront. The greater commonality in systems and procedures, the lower the chance of confusion or mistakes being made by those unfamiliar with that system. And of course, reorganising airspace to reflect operational needs will minimise the risks of frequent handovers of aircraft from one control centre to another en route.

In July 2004, the Commission adopted proposals for an EU air traffic controller's licence, since procedures here vary significantly between Member States. This proposal, currently under discussion in the European Parliament and Council, is seen as an essential component in building the single European sky.

(8) The 'single sky package' adopted on 10 March 2004 consists of four regulations: the 'framework regulation', Regulation (EC) No 549/2004; 'airspace regulation', Regulation (EC) No 551/2004; 'service provision regulation', Regulation (EC) No 550/2004; and 'interoperability regulation', Regulation (EC) No 552/2004; OJ L 96, 31.3.2004, p. 1.

IMPROVING SAFETY ACROSS THE WORLD

Civil aviation is a global activity like no other. Land frontiers are inconsequential to aircraft, with many flights crossing dozens en route. Even on a continental level, aviation operations are not segregated, and today, aircraft can travel more than halfway round the globe without touching down. Therefore, the safety provisions of one are the safety provisions of all.

Every day hundreds of aircraft from outside the EU enter our airspace. Many come from industrialised countries with comparable safety inspection and monitoring standards to those adopted in the EU. But others come from developing countries, many of which lack the resources – both funds and technical skills – to ensure complete and uniform implementation of international safety standards.

Because civil aviation is international by nature, the aviation community has always felt the need for minimum levels of harmonisation, to avoid operators being subject to conflicting requirements when flying from one State to another. Cooperation, in particular under the 1944 Chicago Convention which created the International Civil Aviation Organisation (ICAO), has resulted in a set of international safety standards, known as ICAO standards and recommended practices (SARPs). But whilst these standards have been agreed by governments from around the world, ICAO has no mechanism to ensure that the countries which have agreed them are implementing them fully, consistently and effectively. Overall, the regulatory framework resulting from the Chicago Convention has created a situation in which States have differing regulatory systems, and in which certificates, approvals and licences issued by one State do not automatically comply with requirements in other States.

Whilst European countries addressed this issue with the creation of the Joint Aviation Authorities (JAA) in 1989 – and subsequently the establishment of the European Aviation Safety Agency in 2003 – to devise centrally managed and implemented common regulations, that is not yet the case worldwide.

'The European Union is making an important financial contribution to a number of regional projects being implemented by ICAO in the field of aviation safety and civil aviation security in different regions around the world, with the participation of more than thirty countries from Africa, Asia and Latin America.

It is of great importance for ICAO to strengthen the cooperation mechanisms with the European Union and expand the action taken by both institutions, with the common objective of increasing the safety, security and efficiency levels of civil aviation.'

Assad Kotaite, President of the Council, International Civil Aviation Organisation

International efforts

Following studies which highlighted the extent of the deficiencies in safety standards in some regions of the world, ICAO and its member countries have begun a range of actions to address the problems and help bring safety standards up to minimum levels throughout the world. In 1998, ICAO launched the universal safety oversight assessment programme (USOAP), which aims to establish the extent to which member countries conform with SARPs.

Subsequently, ICAO has launched a number of regional-level technical assistance projects, known as cooperative development of operational safety and continuing airworthiness programmes (Coscaps). So far, Coscaps have been launched in southern, south-eastern and northern Asia, and in South America. Similar initiatives are in preparation in Africa. All of these programmes have received financial and technical assistance from the EU. The aim of these programmes is twofold, firstly to bring local safety standards up to the level of international norms, and secondly, to develop regional cooperation in oversight activities, thereby encouraging peer pressure as a means of improving standards.

For the moment, however, Coscaps are limited in the fields they cover: addressing mainly personnel licensing, and operations and airworthiness of aircraft. The EU supports the extension of ICAO actions to additional spheres such as air traffic services and airport operations.

Bilateral cooperation

Whilst global-level cooperation through ICAO is very important, for certain countries the EU has developed deeper bilateral cooperation and assistance initiatives. Firstly there are a number of European countries outside the EU which are members of EASA/JAA and/or Eurocontrol (the European Organisation for Air Navigation Safety). Much of the regulation previously run by these bodies is being incorporated into EU law. To maintain the pan-European approach to civil aviation safety, the European Commission joined Eurocontrol in 2002 and EASA became a member of the JAA in 2003. Moreover, European countries outside the EU may participate fully in the single sky and in EASA, through specific agreements with the Union.

The 10 Member States which joined the EU in May 2004 received significant technical assistance to bring their standards up to EU levels. The Commission is also supporting aviation safety projects in Bosnia and Herzegovina, and a joint project covering the five Balkan States in the ATM field.

Further afield, the EU has supported a range of projects, through its development programmes, in the field of civil aviation safety. Such projects, in the main aimed at supporting regulatory reform, are only undertaken where the beneficiary country identifies them as a priority. Examples include restructuring national authorities in Lebanon and Jordan, and at regional level helping the Central American Air Safety Agency (ACSA) develop its standards, and the African Air Navigation Safety Agency (ASECNA) develop training programmes. Furthermore, the EU has supported a range of projects in China, India and Asia with an air safety component, although the main purpose has been to develop industrial cooperation in the aeronautics field.

Where assistance is not required, bilateral cooperation in itself is an important means to develop aviation safety. Organisations such as EASA and national authorities have always worked hard to develop close working relationships with counterparts across the world, countries with major aeronautical manufacturing activities such as the USA, Canada, Brazil, Russia, China and India, and EASA is now developing its own bilateral partnerships with these countries' agencies. Working arrangements of this type, however, cannot go as far as to allow the mutual recognition of certificates and approvals, since these are powers which the EU as a whole must exercise.

However, in order to harmonise their respective technical requirements and certification procedures, overcome significant regulatory differences, reduce duplication of effort and, last but not least, facilitate trade in aeronautical products, the EU has launched negotiations with the US and Canada with a view to concluding EU-wide aviation safety agreements with these countries. These agreements should lead later on to achieving mutual recognition of safety certificates, approvals and licences. In the near future, the EU will also seek to foster cooperation in this field with further countries.

FURTHER INFORMATION

Information on EU policy in the air safety and security fields can be found at:
http://europa.eu.int/comm/transport/air/safety/index_en.htm

Details of the single European sky initiative may be found at:
http://europa.eu.int/comm/transport/air/single_sky/index_en.htm

The European Aviation Safety Agency (EASA) website is at:
http://www.easa.eu.int/

The International Civil Aviation Organisation (ICAO) has a website at:
http://www.icao.org/

The safety and security of aircraft operations is of great importance to all European citizens. Maintaining confidence in what is already one of the safest aviation regions in the world is critical to the continued development of the common EU aviation market and to the free movement of people within it, as well as to the economic growth of the companies which depend on it. This brochure outlines the measures taken by the European Union to develop common, legally binding rules for aviation within this common market. These concern both the safety of civil aviation, concerning technical aspects of equipment and its operation, and security – responding to the increased threat of malicious attacks on aircraft and their passengers and crew.

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