



Editorial



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No Decrease in Safety because of Commercial Interests

One of the most important issues threatening the safety of our profession are the proposed new rules to Flight Time Limitations (FTL). EASA has missed a chance to comply with ICAO Annex 6 to base FTL rules on scientific studies to ensure that fatigued air crew do not endanger flight safety. The proposed new rules are lowering the existing standards.

During the ECA Conference held in Chiang Mai (Thailand) as part of the IFALPA Conference (7th – 11th April 2011) ECA Members voiced their concerns and tasked ECA to put all the necessary efforts to advocate for safe, science-based flight time limitations in Europe. The ECA Conference motion states: "This Conference identifies the current situation relating to the EASA FTL as a high priority crucial to safety and the pilot profession that is worth fighting for. Therefore the Conference decides to launch a full campaign."

As pilots, we know what impairs or enhances safety. We experience this every day. Scientific studies underline the importance of a well rested crew. Experience and facts show that fatigue is an important contributing factor to air transport incidents and accidents around the world. Lowering the current standards – as EASA proposes – will again reduce flight safety. Europe is only the 3rd safest region in the world. This is unacceptable. Europe has the ability to be the safest region in the world. For the safety of our members, passengers and general public we always need to strive for higher safety – and we need the EU Institutions to do the same.

EASA's proposed FTL rules are clearly based on the airlines' commercial reasoning, rather than on scientific evidence. However, the airlines that will mostly profit from these new EASA rules are

Flight Time Limitations: 3 Words – 50.000 Comments

The European Aviation Safety Agency is still a young organisation. But it has just marked an all-time record in Europe's aviation safety history: its proposal for EU-wide rules on pilots' Flight Time Limitations (FTL) – the so-called 'NPA-2010-14' – triggered close to 50.000 comments from stakeholders, including from numerous pilots. These 50.000 comments on what is a 244-page document compare to the Agency's previous record of 14.000 comments on its 1000-page NPA on air operations. Will EASA – and its political masters in the European Commission – get the message?



Based on previous experience, the chances seem rather low. Before the NPA was published, in Dec. 2010, it was obvious that the text was immature, based on a flawed Impact Assessment, and disregarded widely acknowledged scientific evidence. It was also clear that EASA's proposal would be way out of step with the parallel FTL rulemaking process in the USA where scientific evidence and safety expertise guided the work and were reflected in the US FAA's rulemaking proposal. Despite this, Commissioner Kallas rejected calls for the NPA to be assessed by scientific experts and adapted accordingly before it was published. Time was more important than quality. The 50.000 comments should come as no surprise.

While EASA did not involve scientists during its one-year drafting process leading to the NPA publication, it eventually agreed to involve 3 scientists in its subsequent work. But the Agency's track-record on respecting its own legal mandate, i.e. to base its FTL rules on scientific knowledge, is rather bad – at least when it comes to this NPA. It remains to be seen whether the Agency will be 'courageous' enough to follow the scientists' recommendations this time, after having largely ignored the findings of its own scientific report when drafting the NPA.

"Will 50.000 comments be sufficient to make the Agency – and the EU Commission – think again and stand up against the airlines' lobbying?"

Courage is what is needed. Because it was the airlines' concerted opposition against EASA's own report that made the Agency go 'soft' on science. Two months before the report had been officially published, back in Jan. 2009, the Association of European Airlines (AEA) issued a position paper trying to discredit the report's scientific recommendations and calling upon EASA to 'dissociate itself from the content of this study'. When looking at

the content of the NPA, EASA seems to have listened carefully.

Courage is needed again. Because AEA – and the other European airline associations – can be expected to try once more to discredit scientific input. In an internal briefing paper (GN10128) AEA states that "another remaining issue of concern is the fact that EASA has launched a tender for scientists to provide scientific evidence to support their NPA". The note continues: "This could be dangerous depending on the scientists involved. AEA members have therefore been requested to ensure that scientists supportive to our views reply to this EASA tender".

When the CEOs of AEA's member companies meet EASA's top management on 20 April, the message can be expected to be the same. Don't change the NPA in line with scientific evidence. Because, according to AEA's internal note, the NPA

reflects most of their major lobbying aims: "The only remaining issues where AEA has not (yet) been able to achieve 100% of our AEA positions relate to some aspects of standby at home and some aspects of the 1h planned extension to the Max FDP."

Against this background, it is surprising that EASA claims its NPA to be "balanced" (see TV report: http://mediathek.daserste.de/sendungen_az/432744_plusminus/6877250_flugverkehr--piloten-im-sekundenschlaf--engl--versi) and based on the equal input from all stakeholders. Will 50.000 comments be sufficient to make the Agency – and the EU Commission – think again and stand up against the airlines' lobbying? Flight safety is at stake, and Europe's passengers will be keen to know. ■

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airlines with no or limited collective labor agreements (CLA) on FTL. These airlines will "miss"-use the new rules to push the flight crew to maximum flying hours and minimum rest.

This will not only result in lower safety levels but also in higher competitive pressure on those airlines that currently maintain higher safety standards through their agreements at company level. This competitive pressure – generated by EASA's low-standards FTL rules – will push some, if not all, airlines to lower their CLAs – with detrimental effects on overall safety. It is difficult to understand why airlines with FTL agreements in their CLA are actually supporting EASA's proposed FTL rules. They will only be beneficial to their low cost competitors.

Do we need a fatal accident in Europe to stop this? In the USA the FAA moved because of the tragic accident of Colgan Air in Buffalo New York, two years ago. Since then they realised that it is of utmost importance for the travelling public that crews are not fatigued when they perform their duties. The FAA's new proposed legislation is based on scientific studies – including those studies that EASA decided to ignore in its own proposal. When the FAA rules enter into force in Aug. 2011, they will set a safety standard that the EU cannot afford to ignore.

ECA will keep on fighting for safer skies, for our members, our passengers and the general public. Our slogan is and will remain: "Piloting Safety". ■

Next Meetings

28 Apr.: ECA Executive Board Meeting, Brussels, BE

29 Apr.: Eurocontrol Working Group on Runway Incursions, Brussels, BE

4 May: ECA Helicopters Working Group, Brussels, BE

9-10 May: Eurocontrol Airport Operations Team, Brussels, BE

10 May: EHSIT Specialist Team on Regulations, Cologne, DE

11 May: ECA Safety Committee, Brussels, BE

11 May: EASA Safety Advisory Committee, Cologne, DE

11-12 May: SAGAS, Brussels, BE

12 May: Eurocontrol Provisional Council Meeting, Brussels, BE

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The **European Cockpit Association** is the association of Flight Crew Unions from European States. Based in Brussels, ECA has 38 Member Associations, representing over **38.600** pilots from 38 countries. For more information: www.eurocockpit.be.

Hungarian Pilots: the Success of Unity!

In October 2010 after a successful warning strike, Malév pilots succeeded in having their management agree on a 6-month validity for their collective labour agreement (CLA). At that time, ECA encouraged Malév management to continue on this path and improve communication with their pilots' union. ECA strongly believes that commercial success and high safety standards in the aviation business can best be achieved by an open dialogue between management and pilot representatives. Unfortunately, time has shown that Malév executives have a different approach, by refusing to enter into negotiations they demonstrated once more their non-cooperative approach. On March 23, Hunalpa held a warning strike in front of the Malév HQ as the airport refused to give them the authorisation to stand on its premises.

Hunalpa organised this first event to signal that further more damaging actions for the commercial activities of the company could follow if management continued its non-cooperative approach. Malév understood the message and eventually agreed to sign a balanced Collective Agreement.

Besides Malév's avoidance of dialogue with its pilots' representatives, it is worrying that part of the conflict was about Malév trying to use FTL Subpart Q provisions to undermine the national working time directive. Worse, the Hungarian Civil Aviation did not intervene by stopping the Company from taking an unlawful step. It is essential that national authorities ensure and enforce a stable and strong legal framework to guarantee the implementation of European and National legislation



to ensure CLAs are respected and to encourage social partners to work together!

ECA congratulates Hunalpa for its professionalism and for maintaining unity within their members at a time when management tries to whipsaw pilots' groups. To remain relevant and effective in its bargaining purpose and in its safety advisory role, professional pilots' unions have to stand firm. ECA, the regional body of IFALPA, will always support any of its associations and make sure that EU politicians are aware of the bad practices such as the Malév case. ECA will continue using these cases to strive for better enforcement of workers' rights on collective bargaining and of working time legislation and safety standards. ■

ECA/AMPL Partnership on Flight Data Monitoring

The Moroccan pilot association AMPL invited ECA to address its Conference on Flight Data Monitoring and Analysis. This is another concrete example of cooperation between two regions with strong historic and cultural links which are also tied, since 2006, by common safety rules thanks to the Euro-Mediterranean Agreement on Commercial Air Transport.

When AMPL was approached by Royal Air Maroc management to jointly develop a FDM protocol, AMPL turned to ECA to benefit from its expertise in this field. On 28th March, a Conference about flight data monitoring and analysis was organised by AMPL, in Casablanca, with Francis Nardy, ECA Executive Board Director, and Loïc Michel, ECA Technical Policy Officer, as speakers. About 40 pilots attended the event, as well as representatives from Royal Air Maroc management, the Moroccan CAA and Moroccan air traffic controllers.

During its presentation, ECA first reminded the Conference attendees that anonymous and non-punitive flight data monitoring is mandatory under EU law (EU OPS 1.037). ECA pointed out the key features of any company's FDM protocol: Anonymity, non-disclosure of identity (unless as the "very last option" and only after a step-phase process), the neutral-

ity of the safety officer and of his actions, and finally a strict ban on flight data use for the professional evaluation of the crew.

This last principle is paramount as any misuse of the flight data would quickly undermine the pilots' trust in the system. The consequence would be the stopping of the flow of useful information needed to improve safety. Finally, it was noted that FDM Agreements are an integral part of a Just Culture environment and a component of any robust Safety Management System (SMS).

AMPL is working with Royal Air Maroc to build a FDM protocol with clear rules and roles for each party, i.e. the company management and the pilots' group. Such a protocol will be a 'first-time-ever' for the Moroccan flag carrier – an important step towards a continuous improvement of flight safety which ECA strongly welcomes. ■