EUROPEAN AND INTERNATIONAL DEVELOPMENTS QUARTERLY UPDATE
1 JULY - 30 SEPTEMBER 2011

GENERAL EUROPEAN DEVELOPMENTS

EUROPEAN NEWS

EU Presidency
Poland took over the Presidency of the Council of the European Union (EU) on 1 July 2011. Its main focus is on putting the EU on a faster track to economic recovery with three priorities as follows:

- European integration as a source of growth.
- A secure Europe (food, energy, defence).
- Europe benefiting from openness.

The Polish Presidency in the Council of EU

Poland is in close contact with the two countries which follow its Presidency - Denmark and Cyprus. The 'Trio' have been working on matters relating to the Presidency since 2008.

Enlargement: Croatia Accession
The Polish Prime Minister officially handed over the EU Accession Treaty text to Croatia on 17 September following final endorsement by EU Member States earlier in the month. It is likely the Treaty will be signed in December 2011. Croatia is scheduled to become the 28th member of the European Union on 1 July 2013, after the Treaty is ratified by all Member States.

Enlargement: Serbia
The Commissioner for Enlargement and Neighbourhood Policy met the Deputy Prime Minister of Serbia in September ahead of the publication of the Commission's Opinion on Serbia's application for EU membership. They discussed several reforms that Serbia is about to adopt, in particular the new policy towards public media, and the reappointment procedure for judges and prosecutors.

Informal Meeting EU Transport Ministers
On 5-6 September the Polish Presidency held an informal EU Transport Ministers meeting in Gdansk and Sopot, Poland. The meeting mainly covered non-budgetary funding of transport infrastructure, with an exchange of experience on use of Public-Private Partnerships.

EU LEGISLATION/POLICY DEVELOPMENTS

With the summer break in August there has been relatively little aviation-related policy activity in Brussels this quarter. Developments on the inclusion of international aviation in the EU's Emissions Trading Scheme are outlined separately below.

The October Council will be asked to give the Commission a mandate to negotiate a High Level agreement with Eurocontrol, to codify Eurocontrol's supporting role in the Single Sky/SESAR initiative.

Before the December Council we expect to receive from the Commission the following:

- Communication on the governance and funding of SESAR deployment;
- Communication reporting progress on implementing SES;
- Communication on aviation safety; and
- Package of legislative measures on airports, including slots and groundhandling.

It is possible that at the December Council Ministers will be asked to respond to the first three items above. But the current Polish Presidency will have little opportunity to begin negotiations on the airports package, which will slip into the Danish Presidency at the start of 2012.

The Presidency, European Commission and the European Economic and Social Committee are organising a high level conference in Warsaw on 28 November. The conference will consider the implementation of the Single European Sky and its extension to third countries.

ENVIRONMENTAL MATTERS

Emissions Trading Scheme

Incorporation of international aviation in the EU Emissions Trading Scheme (ETS) continues to be highly contentious.

On 26 September the European Commission announced the level of the aviation benchmarks which will allow operators to calculate the number of free allowances they will receive.

The Department of Energy and Climate Change (DECC) has published the free allowance allocations of UK regulated operators on its website. The allowances are based on the number of tonne-kilometres reported by operators in 2010.

There is widespread opposition amongst third countries to aviation being brought into the Emissions Trading Scheme. In the US this has taken the form of a legal challenge through the European Court, and a draft bill in the US Congress which would prohibit US aircraft operators from participating in the ETS.

On 6 October the Advocate General of the European Court of Justice issued her Opinion on the legal challenge by the Air Transport Association of America (ATA) and three US airlines. Her Opinion concluded that the Aviation ETS Directive was compatible with EU law. Although not binding, the Advocate General's opinion gives an indication of how the Court is likely to rule. The Court's decision is expected towards the end of this year.

Airbus A380

In addition China and Russia have threatened retaliatory action, and the issue has been put on the agenda of the ICAO Council in early November.

SAFETY

GENERAL DEVELOPMENTS

EASA Committee

The EASA Committee met on 12-14 October. The main item on the agenda was the Proposal on commercial air operations: authority and organisation requirements, commercial air transport and special approvals.

There was a very full discussion of the cover regulation and all the annexes to address numerous Member State concerns in areas such as code share arrangements, leasing and ramp inspections. It was confirmed that all parts of this regulation will apply only to commercial air transport operations.

Various improvements suggested by the UK to the drafting of technical safety requirements were adopted. The revised proposal was agreed in principle but a formal vote will follow by a written procedure once a consolidated text is available after final legal and consistency checks. The full legislative procedure is unlikely to be completed before the summer of 2012 with the new rules coming into force after publication in the Official Journal. A two year transitional period is allowed from the date of coming into force. Further information is available in the EASA Bulletin on the CAA website.

Unmanned Aerial Systems

The European Commission is concerned that development of the European Unmanned Aerial Systems (UAS) sector lags behind other countries and have initiated the "EU UAS Panel". The initiative consists of five work streams (extent of the market; insertion into airspace; safety; societal issues; and research) each built round a semi-public workshop. A consolidated report going to the Commission, planned for spring 2012. The initiative will explore whether action at EU level is required to enable the sector to exploit its full and

growing potential. Military/civil links are an important aspect of all work streams.

The workshops on the market, on insertion into airspace, and on safety have now taken place, and the workshop on societal issues is scheduled for 16 November in Eurocontrol in Brussels.

EASA

EASA Management Board

The EASA Management Board met on 22 September. The most significant item on the agenda was the election of the Chair and Deputy Chair of the Management Board. The CAA's Michael Smethers was re-elected for a second three-year term as the Chair and Maxime Coffin (from the French DGCA) as the Deputy Chair. The appointment of the Approvals and Standardisation Director was also agreed (see below).

There was a discussion on the draft report on the Review of the Rulemaking Process. The review proposes greater upstream consultation and discussion of rulemaking proposals, a reduced timescale for various stages in process (to be tailored according to the complexity and sensitivity of each proposal), and a re-focusing of the standing advisory group on which NAAs are represented. The review (which was conducted by a group with CAA representation) was welcomed by the Board and work is now under way on how to implement the recommendations.

EASA, Cologne

The next meeting of the Management Board is on 13-14 December. The agenda will include EASA's communication strategy; EASA's research strategy; discussion on EASA accommodation in Cologne and Brussels; a report of the Commission's mid-term objectives group; further work on the rulemaking process review; and the 2012-2016 Business Plan.

EASA Appointment

Trevor Woods, currently Chief Operating Officer of Air Safety Support International, has been appointed Director of Standardisation and Approvals in EASA. Trevor will take up his new post at the end of January 2012, on the retirement of the current post holder Francesco Banal.

European Aviation Safety Programme

The CAA attended the European Aviation Safety Committee (EASAC) on 13 September where the European Aviation Safety Programme and an early draft of the Commission's forthcoming Communication on aviation safety were presented.

The Communication will seek to give political momentum and support for efforts to raise standards of aviation safety across Europe. It is likely to be consistent with SRG's current focus on an evidence-based approach to driving up safety standards, with effective safety management systems at all levels. Attached to the Communication will be a draft European Aviation Safety Programme, setting out how safety regulation is governed and organised in the EU. There is an ICAO obligation for each Contracting State to have a State Aviation Safety Programme – the European version will form part of each EU State's Programme.

Interest has been shown by ICAO Paris in promoting the European Aviation Safety Programme throughout the European and North Atlantic Region (a total of 56 countries).

At the EASAC it was agreed at that the European Human Factors Advisory Group should be incorporated into the governance structure of the European Strategic Safety Initiative (ESSI).

EASA Rules for Aerodromes

The Aerodrome working groups have now completed their work and EASA is expected to publish the NPA in December 2011. In preparation for the publication of the NPA, the CAA is holding two briefing seminars for UK aerodromes in October at Leeds International Airport and at Aviation House, Gatwick. All of those aerodromes expected to be in the scope of the EASA proposal have been invited to attend.

New Flight Crew Licenses

National Aviation Authorities are to be given more preparation time ahead of issuing the new Europe-wide pilot licenses which were originally due to be issued from 8 April 2012. The CAA now intends to begin issuing the new licences and medical certificates from 1 July 2012.

Detailed information can be found on the [CAA website](#)

Common Risk Classification Framework for Aviation Safety Events

On 13 September a CAA colleague chaired a workshop which formed part of the work to develop a common risk classification framework for aviation safety events. The workshop was held in Paris and had representatives from Air France, British Airways, DGAC France, easyJet, Eurocontrol, FAA, NATS, NLR and UK CAA.

The objective is to establish a method so the risk associated with safety events (relating to key accident outcomes such as loss of control, runway excursion, CFIT, mid-air collision) can be quickly classified through answering a small number of questions based on the effectiveness of the remaining safety barriers (between the event and the accident outcome).

This method is being developed using a pilot study on 'runway excursions on landing' and work on the pilot study is almost complete. The next steps will be to develop similar 'models' for the other key accident outcomes – the first of which will be mid-air collisions (which will involve a collaborative study between the UK and Spain – both industry and regulator).

This work is a deliverable in both the CAA Safety Plan and the European Aviation Safety Plan. It also has the potential to influence the risk grading methodology used in the ECCAIRS occurrence reporting tool.

LOOKING AHEAD

Special AGNA (Advisory Group of National Authorities) meeting

EASA has set up a special AGNA meeting on 25-26 October to discuss significant NAA concerns on two Notices of Proposed Amendment: Third Country Operators and Flight Time Limitations. The UK has submitted observations on both these topics. In addition there will be a session on commercial air transport A-A flights. The UK delegation will consist of the CAA's AGNA representative, a colleague from DfT and two CAA Flight OPS specialists to cover A-A and FTL. The Agency is required to consider the discussions on the two NPAs before issuing its CRDs.

EASA/NAA Partnership meeting

The next EASA/NAA Partnership meeting is on 3 November. The CAA has suggested that the agenda should cover progress on the review by EASA and FAA of differences between FCL

requirements in the context of a proposed new annex to the EU/US Bilateral agreement and a discussion of the practicalities of Agency and NAA transitional arrangements for FCL/MED. The CAA has offered to help prepare the discussion on the latter item.

VISITS TO/FROM CAA

FAA Visit to CAA

The Administrator of the Federal Aviation Administration and a number of his team visited the CAA on 27 September meeting Andrew Haines, Gretchen Burrett and Mark Swan.

The meeting covered, amongst other things discussions on human factors in safety, volcanic ash, 145 repair stations, pilot training and outcomes interfaces. There was also debate on a joint MOU to work together on enforcement actions.
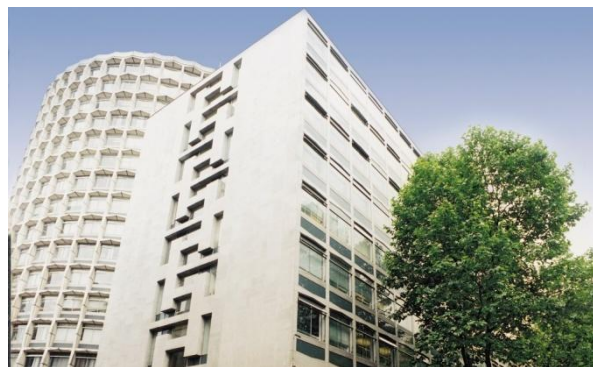
CAA House, London

CAA Visit to DGAC France (DGAC(F))

The CAA and DfT visited the French NAA DGAC on 16 September for a meeting with the Head of Directorate for Civil Aviation Safety and other key personnel. The discussion was wide-ranging and very constructive.

DGAC are enthusiastic about further developing collaboration with the CAA, specifically in the areas of: safety planning; collaborative oversight of operators; pilot training; EASA standardisation findings, and light/recreational aviation. A number of other issues of common interest were discussed: EASA's relations with third countries; FCL/OPS transition planning; the review of the EASA's rulemaking processes; ATM and Aerodromes rulemaking; certification strategy; and specific French concerns about the implementation of rules in their Overseas Territories and about the oversight of Yak 52 aircraft.

AIR TRAFFIC MANAGEMENT

SESAR

Building on the report of the Task Force on SESAR deployment, DG MOVE is preparing a Commission Communication on SESAR deployment, governance and funding mechanisms.

DG MOVE issued a consultation paper on 2 September on possible finance and funding mechanisms for SESAR and proposed a three tier structure for governance:

- Level 1: Political control
- Level 2: Deployment management
- Level 3: Projects implementation

In order to collect views from stakeholders, DG MOVE organised a workshop on 13 September. The Commission intends to use the responses from the consultation and the workshop in the preparation of its Communication.

Work is also underway within the Implementation Package One (IP1) Steering Group to enhance its role, responsibilities and capabilities to provide SESAR deployment steering on a transitional basis until the formal mechanism has been established. Key to achieving this will be to ensure stakeholder participation and commitment and identification of the key priorities to enable a synchronised deployment.

SINGLE EUROPEAN SKY

SES Performance Scheme
During July and August the European Commission's Performance Review Body (PRB) completed its first review of the 29 Performance Plans (which were submitted by States and FABs) for Reference Period 1 of the Performance Scheme.

Draft initial assessments have been shared with individual States and published (www.eurocontrol.int/prc) following the Single Sky Committee on 28-29 September. Discussion at the Single Sky Committee focused on the Performance Review Body's overall 'aggregated' assessment of all the Plans and the extent to which EU targets will be met. Although the assessments cover all four Key Performance Areas – safety, the environment, capacity and cost-efficiency – the focus has

been on capacity and cost-efficiency as they are the only ones with targets.

In early October the European Commission is expected to issue a draft Decision recommending that those States which are considered not to make sufficient contribution to or show consistency with the EU targets should formally reconsider their Plans. The Decision will be the subject of an *ad hoc* Single Sky Committee in late October and once formally issued by the Commission, States on the list will have two months in which to reconsider their Plans.

The Performance Review Body has begun work to consider the development of the Performance Scheme and EU targets for Reference Period 2 (2015-2019). An informal consultation was launched in July, with stakeholder submissions required by 13 September. A Performance Review Body stakeholder workshop on Reference Period 2 is planned for 10 November and formal consultation on the regulatory approach is expected in early 2012.

Network Management Function
The Network Functions regulation was published in July 2011 and was shortly followed by the nomination of Eurocontrol to fulfil the role of the Network Manager.

London LAR

The focus of the regulation is the design of the European route network and coordination of scarce resources, such as radio frequencies and SSR transponder codes. It also contains provisions for a crisis coordination cell to respond to major European ATM network disruptions.

In July, following nominations from stakeholders, the Single Sky Committee selected the members of the Network Management Board that will oversee the work of the Network Manager. The Network Management Board comprises representatives of ANSPs of the FABs, civil airspace users, airport operators, the military, the European Commission, Eurocontrol and the Network Manager. The Board met informally on 6 September to propose its Chair and Vice-chair (which are subject to Single Sky Committee agreement), discuss its role and tasks and to consider its rules of procedure. The first formal meeting of the Board will be on 18 October.

In the meantime, a Single Sky Committee working group met on 29 September to discuss the process for creating the Co-operative Decision Making system required under the Network Functions regulations and to discuss the oversight arrangements of the Network Manager.

The Network Manager is also required to develop its own Performance Plan to address the Performance Scheme EU target for the environment – an improvement by 0.75 of a percentage point of the average horizontal en route flight efficiency indicator in 2014 as compared to the situation in 2009.

Surveillance Performance & Interoperability and Aircraft Identification
The Surveillance Performance and Interoperability (SPI) and Aircraft Identification (ACID) Implementing Rules were agreed at the July Single Sky Committee. The Implementing Rules lay down requirements on the systems and procedures contributing to the provision of surveillance data and ensure the unambiguous and continuous individual identification of aircraft within the European network.

8.33 kHz Voice Channel Spacing
In mid July, EUROCONTROL submitted to the Commission its final report for the draft IR for the extension of 8.33 kHz Voice Channel Spacing in the airspace below Flight Level 195. It is expected that a draft Implementing Rule will be presented to the Single Sky Committee for initial consideration November 2011.

UK-Ireland FAB
The UK-Ireland FAB published its latest newsletter on 25 July. It contains a report on the latest meeting of the FAB Management Board and an update on introduction of an integrated network management function for the FAB.

Standardised European Rules of the Air
The text for Part A of the Standardised European Rules of the Air (SERA) Implementing Rule (ICAO Annex 2, Rules of the Air) remains 'frozen' until the completion of Part B (which covers ICAO Annex 11, Air Traffic Services and in part Annex 3, Meteorological Service for International Air Navigation).

The EASA NPA consultation on Part B closed in May. EASA subsequently published a Comment Response Document (2011-02) for consultation with a closing date of 23 October 2011. Following this EASA will present the resulting Opinion to the European Commission. With only the November scheduled Single Sky Committee remaining in 2011, it is unlikely that SERA Part B will be put to the vote before 2012.

Eurocontrol, Brussels

Work is underway to address Part C. This is expected to consist of binding material plus non-binding Acceptable Means of Compliance and Guidance Material from Annex 10 Vol 2 (Aeronautical Telecommunications), Doc 4444 (Air Traffic Management) and Doc 7030 (Regional Supplementary Procedures). A Part C NPA is expected in the first quarter of 2012.

EASA ATM Implementing Rules
The three 'fast-track' ATM Implementing Rules for ATCO licensing, Oversight, and Common Requirements for ANS provision have now been approved (through Comitology) by Member States using a written procedure.

The Oversight and Common Requirements Implementing Rules represent a largely 'cut and paste' transposition of earlier regulations, with minimal changes, and are expected to be published in the Official Journal of the European Union (OJEU) in mid autumn. They will replace Commission Regulations (EC) 1315/2007 and (EC) 2096/2005.

Work to further develop ATM/ANS Implementing Rules together with Acceptable

Means of Compliance and Guidance Material continues under three EASA drafting groups, all of which have UK representation. The groups are:

- ATM001 (Rules for ANSPs)
- ATM003 (Rules for ATCOs and Approved Training Organisations
- ATM004 (Rules for Competent Authorities).

The outcome of this next phase of rulemaking activity is expected to be more far-reaching than the 'fast-track' transposition activity and will be the subject of formal consultation with stakeholders using the EASA Notice of Proposed Amendment process. On current scheduling, a number of Notice of Proposed Amendment seeking stakeholder views on ATM/ANS rulemaking are due to be published during 2012 and 2013.

EU and Japan MoC on SESAR

On 19 July at the Japan-EU Transport Dialogue, the European Commission and Japan signed a Memorandum of Cooperation (MoC) on SESAR. This MoC will establish a framework for cooperation between Japan's long term vision for the future air transportation system: Collaborative Actions for Renovation of Air Traffic Systems (CARATS) and the EU's SESAR programme.

Each region will share its roadmaps, among other activities. This will enhance the working level cooperation for the implementation of interoperable and seamless air traffic management systems worldwide.

LOOKING AHEAD

The remainder of 2011 is expected to focus in particular on the agreement of Performance Plans for RP1 and early work to develop proposals for RP2 and the establishment of operations for the Network Management Function.

CONSUMER PROTECTION

ECAC PRMs Guidance

The ECAC Persons with Reduced Mobility (PRMs) sub group met in September. It adopted guidance on pre-notification to be inserted a new annex to ECAC Doc 30. This guidance will be presented at the ECAC Working Group on Facilitation in October, where it is expected to be adopted.

Regulation 261 on Denied Boarding

The European Parliament's Transport and Tourism (TRAN) Committee is preparing a report on the operation of EC Regulation 261 on Denied Boarding, Cancellation and Long Delay. This report will feed into the Commission's on-going review of the Regulation.

European Consumer Centres at Airports

In early July the European Consumer Centres Network (ECC-Net) organised a special 'Air Passenger Rights Day' at 27 airports (23 countries) across the EU. Under the motto 'Pack a little consumer know-how, Europe offers you free help and advice', the Network provided advice and help on air passenger rights, for example in cases of cancellations, delays or baggage loss.

The Network offers citizens free advice about their rights when travelling and shopping across borders. They can also help solve problems with traders in another EU country (plus Iceland and Norway) when things go wrong.

Health and Consumer Commissioner John Dalli said: "I welcome this initiative by the European Consumer Centres which shows concretely how they are helping citizens with practical problems every day across the EU. This work is a clear example of EU added value, since no single national organisation can – on its own – effectively help consumers to resolve cross-border disputes with traders in a quick and inexpensive way. I look forward to more and more consumers managing to reap the benefits of the Internal Market thanks to the help of the ECC-Net."

Passenger Rights logo

INTERNATIONAL CIVIL AVIATION ORGANISATION (ICAO)

ICAO GENERAL

EU-ICAO Collaboration on Civil Aviation

The Joint Committee established under the recently signed Memorandum of Cooperation between the European Union and ICAO met for the first time on 21 September. The meeting was co-chaired by the European Commission's Director General Matthias Ruete and ICAO's Secretary General Raymond Benjamin.

One of the specific areas discussed concerns the adoption and signature of a working arrangement between the EU and ICAO in the field of accident and incident reporting (see below for more information). Initial progress was also made with regards to similar working arrangements being established for co-ordinating ICAO's safety oversight audit programme in Europe and EASA's Standardisation activities.

Global Air Navigation Industry Symposium

ICAO's Global Air Navigation Industry Symposium (GANIS) took place from 20-23 September in Montréal. This symposium was held in preparation for the twelfth Air Navigation Conference 'Towards One Sky' which will take place in 2012.

The Symposium provided a platform for global and regional industry partners to share their latest developments, to identify commonalities and differences between the systems, to ensure interoperability and facilitate the harmonization of air navigation systems. There were also opportunities to discuss emerging issues and to chart the next steps to achieve a seamless global air navigation system.

The Global Air Navigation Industry Symposium working document comprises all the proposed aviation system block upgrades (ASBUs). This (260+ page) document is likely to be an essential reference for the Air Navigation Conference in 2012.

ICAO Volcanic Ash Challenge Team

Andrew Haines attended the ICAO Volcanic Ash challenge team in Montreal on 20 September. The Challenge Team was set up to specifically address the critical issues, identified by the ICAO Volcanic Ash Task Force, that were hampering progress.

A number of senior-level officials representing concerned States, International Organisations and industry, attended the half-day meeting. A synopsis of the Challenge Team's discussion is available.

ICAO's New Safety Management Panel

The CAA's Hazel Courteney will play a leading role in ICAO's new Safety Management Panel, which has been established following an action from ICAO's High-level Safety Conference held in 2010.

The Panel will oversee the development of a new ICAO Safety Management Annex. The new Annex 19 will be dedicated to safety management responsibilities and processes, and will address the safety management responsibilities of States framed under the State Safety Programme.

EU -ICAO Promote Global System for Reporting Aviation Accidents and Incidents

On 22 September the European Commission and ICAO agreed on a common categorisation scheme (taxonomy) to report all aviation accidents and incidents worldwide. ICAO will promote the use of European Co-ordination Centre for Accident and Incident Reporting Systems (ECCAIRS) software, developed by the European Commission's Joint Research Centre, for the collection of accident and incident information to its Contracting States.

ICAO, Montreal

The use of a single repository and fformalising collaboration in this field will facilitate a better collection, sharing and analysis of aviation safety information, which ultimately will lead to improvements in aviation safety.

In relation to the use of ECCAIRS software, both the European Commission and ICAO will share and harmonize their training and

ICAO MEETING REPORTS

Further reports from ICAO meetings are available on the CAA intranet: on the Europe & Int'l Strategy ICAO pages.

International Volcanic Ash Task Force

The second meeting of the International Volcanic Ash Task Force (IVATF) was held in Montreal on 11-15 July. The Task Force noted that a number of tasks were now complete, while others would require more work by the Task Force or other teams. ICAO's IVATF summary is available.

ICAO's 1st Fatigue Risk Management Systems Symposium

On 30-31 August ICAO held its first Fatigue Risk Management System Symposium. The CAA gave a presentation and was a member of 2 panel sessions.

The Symposium was attended by 550 delegates including operators, Member States and Regulators. There was a consensus on the need to be more proactive in the methods used to manage fatigue, even though it was recognised that, as with any performance based regulations, there were challenges ahead. The Symposium created a good debate and the delegates voted for ICAO to hold another FRMS symposium in two years, to discuss lessons learned and to support all those involved.

ICAO Friction Task Force

The ICAO Friction Task Force met in London on 7 September at a meeting hosted by the CAA. The aim of the task force is to develop procedures and guidance for the assessment and reporting of runway surface conditions following international calls for an improvement in safety for passenger aircraft landing on runways contaminated with snow, slush or ice.

Wake Turbulence Steering Group

An ICAO Wake Turbulence Steering Group focus group met in Cologne on 8 September. The purpose of the meeting was to facilitate Airbus discussions on new data in relation to A380 wake turbulence related flight tests in December 2010. Meetings were also held with NATS to discuss the NATS 2010 Annual Wake Turbulence Encounter Report, and the ICAO Re-categorisation of Wake Turbulence Minima) suite of papers.

LOOKING AHEAD

Transition from USOAP to CMA

The CAA and DfT will be attending an ICAO workshop in Paris at the beginning of December on the new Continuous Monitoring Approach (CMA) approach to auditing. CMA will replace ICAO's Universal Safety Oversight Audit Programme. CMA will be almost entirely administered through electronic and web-based applications and the workshop will address, amongst other issues, the States' safety oversight obligations under the Convention on International Aviation, CMA processes and procedures, the online framework and how States need to prepare for CMA onsite activities.

European and International Strategy
20 October 2011