



**Speech by Patrick Goudou, Executive Director
European Aviation Safety Agency
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Vice President Barrot,
Director General Ruete
Ladies and Gentlemen,

Let me first of all start by thanking the European Commission for organising this conference together with the Industry Consultation Body. I am pleased to take part in this discussion on the future of aviation regulation in Europe - a future in which the European Aviation Safety Agency will undoubtedly play a key role.

The vision I have for the future of the Agency is clear and easy to explain because the main principles that are the foundation of the European Aviation Safety System - I emphasize the word "system"- were already acknowledged by the European legislator when it adopted the founding the legal basis for this system, which is Regulation 1592/2002.

After three years of implementation, these principles have proved to be sound and valid; they need not and should not therefore be changed in the future. And these principles are in fact direct answers to some of the concerns expressed by the previous speakers.

What are these main principles?

- 1) The first one:



There must be a single and clear framework for the regulation of civil aviation safety in the Community.

A single Framework: The European System is being built step by step. The starting point was airworthiness and the environmental compatibility of aeronautical products with the necessary provisions for an extension to air operations and crew licensing. The extension of this system to all aspects of aviation safety under a total system approach is technically consistent and logical. I have noted today a strong support to this idea. The Agency is preparing for this.

A clear Framework: in the domains where Regulation 1592/2002 applies, all national rules are superseded by this Regulation and its implementing rules. There is no overlap of old and new rules. It is the Agency's objective to take care that new rules do not disrupt or create difficulty to the existing system. It is also our objective to be a "light regulator" when and where possible, to avoid overregulation and undue burden on regulated persons. We are currently working on General Aviation with exactly this aim.

2) Second principle:

The implementation of rules is primarily a national responsibility using the national executive system. This principle ensures an important and permanent operational role to national authorities. Within the European Community, in strictly limited cases, where the legislator considers a centralised action is more efficient, the Agency is given an executive role. Type-certification is one example. In other areas, OPS, FCL, Airports, ATM, this is likely to concern very few cases, if any.

However, some cross borders activities could certainly be overseen efficiently by a centralized body, especially when the national authority considers it has not the necessary resources available to do the job or



when a single European certificate would replace several national approvals. But as we always say, member states' authorities and the Agency are two pillars of the same system and they are partners.

3) Third principle:

When the Agency develops various types of rules, it is obliged to follow an open and transparent process allowing the involvement without discrimination of all stakeholders. This rulemaking process, called "notice of proposed amendment (NPA)" is very similar to the FAA NPRM process. It allows us to reach a consensus in a preferred solution in a reasonable period of time for an efficient rulemaking process.

4) Fourth principle:

The EU system should be extended beyond the Community. The EU system aims at a high and uniform level of civil aviation safety in the Community. The European set of rules is very modern and attractive. If they wish, non EU-European States can be associated to the EU system through bilateral agreements under which they are assimilated to member states. This is already the case for Norway, Iceland and soon Switzerland. And the European Civil Aviation Conference (ECAC) has clearly expressed the wish that in a few years time all its non-EASA members should be associated to the Agency. This is the best way to satisfy those countries' request to be involved in the regulatory work of the Agency.

Having recalled the basic principles on which the legislator has built the European system, I would like to say that the European Aviation Safety Agency is today and should continue to be a Safety Regulator.

A Safety Regulator should not be involved in economic regulation or service provision. Regulators, be they economic or safety ones, shall not either be directly involved in technological development and design



activities, so as to keep their independence and be able to make technical judgement without preconceived ideas.

Last, but not least, the regulators have to assist the political decision-makers by providing them with the necessary elements to make the most appropriate choices. It is in the interest of the political decision-makers to have separate safety and economic regulators to be sure that all aspects have been fairly evaluated.

This remark leads me to the future role of Eurocontrol. Having explained that safety regulation is only one element of the regulation of the whole aviation system, it is wrong to consider that changes in the field of ATM regulation mean transferring to the Agency all activities of Eurocontrol. The Single European Sky Initiative is, for example, as many Eurocontrol activities over the last decade, focusing essentially on increased economic efficiency. The European Aviation Safety Agency role is not to verify that air transport is efficient or that a new concept may allow for more aircraft in the air. Its role is to ensure that any technical solution, concept, equipment, personnel, organisation involved in civil aviation will do it safely.

Let me move on now to the natural consequence of the subsidiarity principle. To ensure a uniform implementation of EU law at the national level, the Agency should continue to be tasked by the European Commission to inspect the member states in all aviation safety domains, as it is already the case today for airworthiness. Standardisation inspections have already proved to be a successful tool to increase safety and to provide a level playing field to industry.

Ladies and Gentlemen,



We are facing the important challenge to establish a second level of European Administration without adding a further layer of bureaucracy. Indeed, besides safety, which is and will always remain our highest priority, the rationale for a single European safety regulator is increased competitiveness through simplification of rules and streamlined procedures. I think this should also be our guiding principle in the future.

I have tried to address several of the concerns expressed by the previous speakers which, I think, are already satisfactorily solved in the domains we are currently in charge of.

I hope this will convince you that our system is indeed appropriate not only to regulate airworthiness, air operations and crew licensing, but also for other elements of civil aviation safety.

Thank you for your attention.