



Update on EU legislative initiatives and activities

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Reg. (EU) No 996/2010 = THE NETWORK

- European Civil Aviation Investigation Authorities Network (ENCASIA).
 - Not an Agency. Established as 'Not for profit association' under Belgian law.
- 7 Working Groups, active participation.
- Supported by the Commission:
 - Financial aspects, secretarial support and participation in the WGs.
 - And more: Translations, host websites (public and restricted), promoting information on their activities.



2016 ENCASIA activities (extract) – support to small SIAs

- **WG3 Procedures for asking and providing help**
 - Table top exercise on how Member States might best assist each other in conducting safety investigations .
 - **Conclusions:** Some small SIA face significant challenges in investigating a major civil aircraft accident
- **WG5 Peer Reviews:** Similar issues. Recommendation for small SIAs to establish advanced arrangements to get support from and to send observers to larger SIAs.
- **WG2 Inventory of best practices:** To produce a document on the management and organisation of a major civil aircraft accident safety investigation





Moving forward

As a result of this, WG3 and WG5 were asked to:

- Develop the proposal for the mutual support of SIA during a **major** accident investigation
- Organise and run training course for the **mutual support** and peer review activities.

Other 2016 activities: Wherever is a need, WGs react.

- **WG6 SRs:** Guidelines and material on SRIS, SRs...Updated ToRs to liaise with NoA and ECCAIRS Steering Committee.
- **WG7 Support to victims and relatives:** Leaflet for families and Memo for investigators.
- **WG4 Training Steering Committee and WG1 Internet presence**





Evaluation of Reg. (EU) No 996/2010

Identified problems

- Lack of uniform investigation capability
- Tension between safety investigation and other proceedings
- Unclear role of CAAs and EASA in safety investigations
- Weakness in implementation of safety recommendations
- Insufficient assistance to the victims of air accident and their families including difficulties to quickly obtain complete passenger list





Evaluation of Reg. (EU) No 996/2010

- Led by DG MOVE, supported by ECRYS/NLR
- To assess if goals have been achieved.
- High level of involvement and participation by SIAs (Focus Group, interviews, targeted survey)
- Workshop: **1 June 2017** to present initial findings
- **30 June 2017**: Presentation of conclusions
- 4 accident/serious incident cases will be analysed to illustrate the proper functioning or difficulties/issues of Regulation 996/2010





Evaluation of Reg. (EU) No 996/2010

- **1 November 2011, LOT Polish Airline, Boeing 767, Warsaw, Poland.** Emergency landing. No fatalities. Multiple claims submitted to court by passengers blaming LOT and Boeing for improper handling of aircraft.
- **19 October 2013, Namur Air Promotion, Pilatus PC-6, Gelbressée, Belgium.** GA, high number of fatalities . Discussions with Justice regarding the publication of the interim report
- **24 March 2015, Germanwings, Airbus A320, Prads-Haute-Bléone, France**
- **UK Court cases,** use of information related to a safety investigation including the protection of sensitive safety information and the use of accident reports



- Regulation (EU) No 376/2014
- Delegated Act
- Process



- Art.7(5) The Commission, in close cooperation with (...) the network of aviation safety analysts (...) shall develop a common European risk classification scheme to enable (...) to classify occurrences in terms of safety risk. (...) (which) takes into account the need for compatibility with existing risk classification schemes
- Art.7(6) The Commission shall be empowered to adopt delegated acts (...) to define the common European risk classification scheme.

- Regulation (EU) No 376/2014
- **Delegated Act**
- Process



Article 290 TFUE: Legislator can delegate to the Commission the power to adopt legal acts of general application to supplement or amend certain non-essential elements of a legislative act

► Delegated acts



- Regulation (EU) No 376/2014
- Delegated Act
- **Process**

Preparation of delegated acts

Autonomy of the Commission



No Comitology



Two obligations for Commission

Commitment to **consult experts from national authorities of all Member States** (expert meetings), **in a timely manner**.

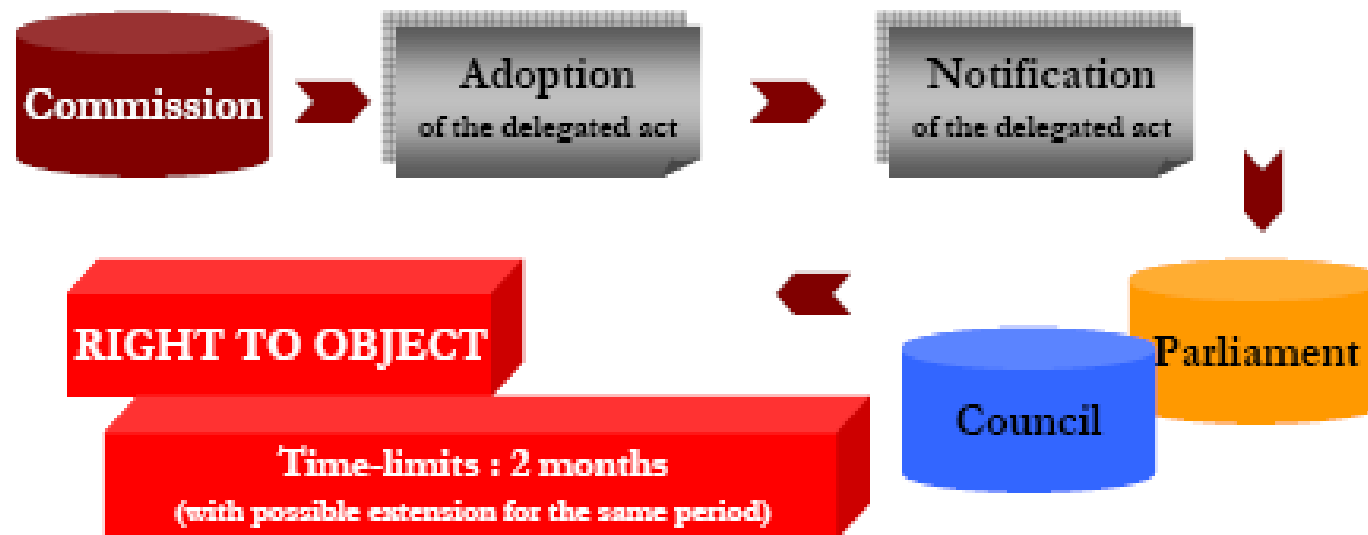
Stakeholders may also be consulted but in terms of sequencing experts from Member States should have an opportunity to be informed and if appropriate to react.

Commitment to **inform the legislator**

Documents sent in parallel to the members to the expert groups and to EP's and Council's functional mailboxes.

Rights of the EP: **if EP so requires, Commission may invite Parliament's experts to attend** expert meetings.

Objection to delegated acts



1) If EP or Council expresses objections



The delegated act cannot enter into force.
The Commission may prepare and adopt a new one.

2) If neither EP nor Council has objected or if they have both informed Commission that they don't have the intention to raise objections.



Publication and entry
into force
of the delegated act



NPA 2016-19: Alignment of IRs and AMC/GM with Regulation (EU) No 376/2014 Occurrence Reporting

- to update the IRs to Regulation (EU) No 216/2008 and the related AMC/GM in order to properly reflect the requirements defined in Regulation (EU) No 376/2014
- to prepare the grounds for Standardisation inspections to monitor the implementation of Regulation (EU) No 376/2014.



Towards a new basic safety regulation

- Commission proposal of December 2015 (part of the aviation strategy for Europe)
- To replace and update the Regulation (EC) No 216/2008
- To prepare the EU aviation safety system for the challenges of the next 10-15 years
- Negotiations between the Council and the European Parliament ongoing
- Proposals on Annex II still under discussion

- ENCASIA position paper on drones/light aircraft can be found at

http://ec.europa.eu/transport/sites/transport/files/encasia_opinion_drones_light-aircraft_15-09-30.pdf

Questions?