A Policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

Fields marked with * are mandatory.

Please provide information to help us build your profile as a respondent. In accordance with Regulation 45/2001, all personal data collected through this survey will be kept securely and will ultimately be destroyed.

Please note that the questionnaire will only use your full contribution if your name, organisation (if you answer on behalf of an organisation or institution) and contact details are provided.

If you choose **not** to provide your name, organisation and contact details, you have the option of submitting a general comment only.

If you **do** choose to provide us with your name, organisation and contact details, you can still opt for your answers to remain anonymous when results are published.*

- ◉ Yes, I will provide my name and contact details
- ○ No, I prefer not to provide my name and contact details and submit a general comment only

A. Respondent's profile

1. First name.*

2. Last name.*

3. Organisation.

4. Address.*

5. City.*

6. Country.*
- ○ Austria
- ○ Belgium
- ○ Bulgaria
- ○ Croatia
- ○ Cyprus
- ○ Czech Republic
- ○ Denmark
- ○ Estonia
- ○ Finland
- ○ France
- ○ Germany
- ○ Greece
- ○ Hungary
- ○ Iceland
- ○ Ireland
- ○ Italy
- ○ Latvia
- ○ Liechtenstein
- ○ Lithuania
- ○ Luxembourg
- ○ Malta
- ◉ Netherlands
- ○ Norway
- ○ Poland
- ○ Portugal
- ○ Romania
- ○ Slovenia
- ○ Spain
- ○ Sweden
- ○ Slovakia
- ○ Switzerland
- ○ United Kingdom
- ○ Other

7. Email address.*

8. Contributions received from this survey may be published on the European Commission's website, with the identity of the contributor.

Do you agree to your contribution being published under your name?*****

- ○ My contribution may be published under the name indicated
- ◉ My contribution may be published but should be kept anonymous
- ○ I do not wish any of my contributions to be published

9. Are you answering as an individual or on behalf of an organisation/institution?*****

- ○ I am answering as an individual
- ◉ I am answering on behalf of an organisation

10. Please specify your main field of activity or how you are mainly linked to the aviation sector.*****

- ○ Passenger
- ○ Person working on the ground
- ○ Air operator (Please specify)
- ○ Air navigation service provider
- ○ Ground handling service provider
- ○ Qualified entity
- ○ EU institution/body
- ○ Workers organisation/association for aviation professionals
- ○ Other stakeholder organisation (Please specify)
- ○ No specific link to the aviation sector

- ○ Air traffic controller
- ○ Air crew (Please specify)
- ○ Aircraft design, manufacturing, or maintenance
- ○ Aerodrome operator
- ◉ National authority
- ○ Training organisation
- ○ Industry association
- ○ Airlines association
- ○ Research organisation/university/consultancy
- ○ Other (Please specify)

11. If the organisation you work for is an enterprise, please give an indication of its size.

- ○ micro-enterprise *(fewer than 10 persons and annual turnover and/or annual balance sheet total does not exceed EUR 2 million)*
- ○ small enterprise *(fewer than 50 persons and annual turnover and/or annual balance sheet total does not exceed EUR 10 million)*
- ○ medium-sized enterprise *(fewer than 250 persons and annual turnover does not exceed EUR 50 million or whose annual balance sheet total does not exceed EUR 43 million)*
- ○ large enterprise

12. Place of establishment of your organisation/institution.*****

- ○ Austria
- ○ Belgium
- ○ Bulgaria
- ○ Croatia
- ○ Cyprus
- ○ Czech Republic
- ○ Denmark
- ○ Estonia
- ○ Finland
- ○ France
- ○ Germany
- ○ Greece
- ○ Hungary
- ○ Iceland
- ○ Ireland
- ○ Italy
- ○ Latvia
- ○ Liechtenstein
- ○ Lithuania
- ○ Luxembourg
- ○ Malta
- ● Netherlands
- ○ Norway
- ○ Poland
- ○ Portugal
- ○ Romania
- ○ Slovenia
- ○ Spain
- ○ Sweden
- ○ Slovakia
- ○ Switzerland
- ○ United Kingdom
- ○ Other

13. Is your organisation registered in the Transparency Register of the European Commission?*****

- ○ Yes
- ● No

B. Issues to be addressed

The aim of this section is to obtain stakeholders' views on the challenges currently faced in aviation safety.

1. What is your opinion on the following general statements?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
I believe it is safe to travel by plane in the EU*	○	○	●	○	○
I am satisfied with the way aviation safety is handled in the country where I am a resident/established*	○	○	●	○	○

2. Would you like to elaborate on your answers to the above statements?

```
I believe it is safe to travel by plane in the EU*
Agree:
At this moment aviation is probably the safest modality of transport in
comparison with the other transport modalities. The question however
posses an absolute statement, it is safe. It takes a lot of effort from
all stakeholders to keep aviation as safe as possible but there are no
guarantees.

I am satisfied with the way aviation safety is handled in the country
where I am a resident/established*
Agree:
We agree in the sense that all policies are in place to enhance safety.
```

3. What is your opinion on the following critical statements?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
Existing safety regulation is too detailed*	○	○	●	○	○
Existing safety levels could be maintained with lower compliance cost*	○	○	●	○	○
The ability to identify and mitigate safety risks has to be improved*	○	○	●	○	○
The regulatory system lacks flexibility to accommodate new technologies*	○	○	●	○	○
The regulatory system lacks flexibility to accommodate new business models*	○	●	○	○	○
The respective roles and responsibilities of national authorities and EASA are not clear*	○	●	○	○	○
There are shortcomings in the way Member States carry out oversight*	○	●	○	○	○
There are shortcomings in the way EASA carries out oversight*	○	●	○	○	○
Europe lacks international leadership on issues of aviation safety*	○	●	○	○	○

4. Would you like to elaborate on your answers, identify any other issues and/or suggest any actions to be taken?

```
Existing safety regulation is too detailed
Agree:
The system of prescriptive regulation has led to a high level of safety,
this level has to be maintained. Generally speaking, when the aviation
safety system and it regulations will change more and more to
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Performance Based Regulation and the implementation of Safety Management Systems with all approved organisations within the industry is effectuated, less detailed regulations are needed. However certain topics will continue to require prescriptive regulation. Ultimately the result will most likely be a mix of prescriptive and performance based regulations.

Existing safety levels could be maintained with lower compliance cost
Agree:
Checking compliance on a regular basis on all aspects and details of the current regulations does not guarantee safety in itself. A change to a more risk based and performance based oversight model will be a way to better target specific risk areas at lower oversight costs.

The ability to identify and mitigate safety risks has to be improved
Agree:
The ability to mitigate risks through prescriptive regulation is already high. With the implementation of State Safety Programs by the National Authorities and Safety Management Systems by the industry both authorities and industry are in a learning phase and are improving their capabilities to identify safety hazards and the consequent risks. This will give an improved basis to mitigate safety risks.

The regulatory system lacks flexibility to accommodate new technologies
Agree:
Regular evolution of technology can only be accommodated by special conditions within the existing airworthiness requirements, agreed between the European Aviation Safety Agency and the applicant for certification of an aircraft or a part thereof. Completely new sectors like Remotely Piloted Aircraft Systems are even more complicated to accommodate. This is mainly an issue related to new products such as aircraft and engines. More performance based Certification Specifications and a more performance based certification process, where the Agency has the possibility to differentiate the Levels of Involvement in the process of certification, may help make the system more flexible.

The regulatory system lacks flexibility to accommodate new business models
Disagree:
The current regulatory system is able to accommodate new business models within the aviation industry, even if they grow more and more international. The current requirements for the National Aviation Authorities are state of the art and copied around the world. However the current regulatory system lacks the necessary flexibility for National Aviation Authorities to coordinate and/or delegate responsibilities for oversight across borders.

The respective roles and responsibilities of national authorities and EASA are not clear
Disagree:

We think they are clear enough.

There are shortcomings in the way Member States carry out oversight
Disagree:
100% Oversight does not exists, it is not feasible. The introduction of a risk and performance based approach to oversight means the acceptance of certain risks and the fact that the National Aviation Authorities put their limited resources in places most effective to mitigate safety risks.

There are shortcomings in the way EASA carries out oversight
Disagree:
The EASA oversight of the National Aviation Authorities through standardisation visits performed in line with the former regulation EU 736-2006 was not in line with a performance based approach. It has been too detailed and focussed on administrational issues instead of the real safety issues. We are looking forward to the results of the new approach under the new regulation EU 628-2013.

Europe lacks international leadership on issues of aviation safety
Disagree:
European aviation safety regulation are being used by more and more countries around the world. For issues like environmental protection and emission trading system, Europe is trendsetting in the world.

Present safety rules

5. Overall, how do you rate safety rules in these areas?

	Just right	Effective	Ineffective	Complex	Burdensome	No opinion
Design and manufacturing *		✓				
Maintenance*				✓	✓	
Personnel training and licensing*		✓				
Commercial cargo aviation *						✓
Commercial passenger transportation *		✓				
Recreational aviation*				✓	✓	
Business aviation*						✓
Sports aviation*				✓	✓	
Aerial work*						✓
ATM/ANS*						✓
Aerodromes*						✓

6. Would you like to elaborate on your replies and/or suggest any actions to be taken?

```
Design and manufacturing
Effective:
The current regulations in the areas of design and manufacturing are
effective but not efficient. The process of certification of a product
and/or a part thereof such as an aircraft, engine or appliance is
burdensome.


Maintenance
Complex and Burdensome:
The predecessor of the current regulation for maintenance organisation,
JAR 145, started out as a general rule with a more performance based
approach and less details. Over time too much details are added,
certainly after the regulatory material was transferred into the current
regulation (Part 145). Further the generic rules for continuing
airworthiness (Part M) are to complex and burdensome for the small end
of the General Aviation, we are looking forward to see the result of the
alleviations proposed through the General Aviation roadmap process.


Personnel training and licensing
Effective:
Although the current regulation in the field of personnel training and
licensing are effective they could be less complex for certain areas
such as leisure pilots training organisations.


Commercial cargo aviation
No separate opinion:
We do not see a difference with the operational regulations for
Commercial Air Transport with passengers. The transposition of the
dangerous goods standards from the International Civil Aviation
Organisation in Montreal by the European Union are outside the remit of
the Agency but quite adequate.


Commercial passenger transportation
Effective:
Although the current regulation in the field of commercial passenger
transportation is effective it could be less complex for small
operations with non complex aircraft.


Recreational aviation
Complex and Burdensome:
The current regulatory system for recreational aviation could do with
less rules and more possibilities for owners and pilots to establish the
risk they are willing to take. The envisaged changes of the regulatory
system for recreational aviation need to safeguard the safety of the
public on the ground and need to be politically endorsed.


Business aviation
No Opinion:
```

We have no experience in this field yet as it was not specifically regulated in the Netherlands. We will be able to form an opinion after the new rules are implemented for some time. We do wonder how to deal with dual use of these aircraft both in Commercial Air Transport on an Air Operator Certificate as well as in Private use by the owner.

Sports aviation
Complex and Burdensome:
The current regulatory system for sports aviation could do with less rules and more possibilities for owners and pilots to establish the risk they are willing to take. The envisaged changes to the regulatory system for sports aviation need to safeguard the safety of the public on the ground and need to be politically endorsed.

Aerial work
No Opinion:
We will be able to form an opinion after the new rules for aerial work are implemented for some time. These new rules should be given time to prove themselves.

ATM/ANS
No Opinion:
The main rules in line with the EASA system are still in the process of being drafted. The current draft material for the Air Traffic Management and Air Navigation Service Provision encompasses unnecessarily differences regarding the regulations related to the (Safety) Management System compared to the domains of Flight Crew Training, Operations and Aerodromes.

Aerodromes
No Opinion:
We will be able to form an opinion after the new rules for aerodromes are implemented for some time. These new rules should be given time to prove themselves.

The scope of rules

7. Does the legislative framework need to be adjusted/extended to accommodate the following market developments?

	Yes	No	No opinion
Remotely Piloted Aircraft systems ("civil drones")*	●	○	○
Commercial Space Transport*	●	○	○
Multi-national operations*	●	○	○
Increased use of flexible business models such as leasing, outsourcing, subcontracting, short term contracts, aircraft interchange, etc.*	●	○	○
Dual-use certification (certification of products, parts and appliances which can be used for civil and military purposes) *	●	○	○

8. Would you like to elaborate on your replies and/or identify other market developments which should be covered?

```
Remotely Piloted Aircraft systems ("civil drones")
Yes:
The Remotely Piloted Aircraft Systems are a new and fast developing part
of the aviation industry. Europe should avoid to create differences in
regulations across its territory which could be introduced when all
Member States create National Regulations in this field now delegated to
the Member States trough Annex II of the Basic Regulation. This
potential market for the design and production of Remotely Piloted
Aircraft Systems in Europe should be regulated at European level. The
current weight limit in Annex II on Remotely Piloted Aircraft Systems
should be deleted. For operational requirements some differentiation
related to local circumstances could be envisioned.
.
Commercial Space Transport
Yes:
Commercial Space Transport will not be a transport modality to be used
within a single European country. Commercial Space Transport is
currently probably not regulated in any of the European countries, it
only makes sense to regulate this on a European level, or even Global
level. Efforts to regulate should only be started when market
developments show an clear need to regulate.

Multi-national operations
Yes:
In relation with multi-national operations more possibilities should be
created for National Aviation Authorities to cooperate or delegate
```

responsibilities and related tasks between them there were now the state(s) which issues the operating certificate(s) is (are) fully responsible. This, aiming to optimise oversight or to create a single oversight responsibility across national borders.

Another issue should be the possibility to require one single integrated organisational Safety Management System for multi-national operations under more than one certificate.

Increased use of flexible business models such as leasing, outsourcing, subcontracting, short term contracts, aircraft interchange, etc.
Yes:
The use of most flexible business models by industry within the current regulatory framework is already possible. However as with the multi-national operations, the possibilities for National Aviation Authorities to cooperate or delegate responsibilities and related tasks between them should be enlarged to optimise oversight.

Dual-use certification (certification of products, parts and appliances which can be used for civil and military purposes)
Yes:
Dual use airworthiness certification of products, parts and appliances, both for civil and non-military state purposes should be made possible through a voluntary application of the rules, a so-called OPT-IN. Also for some of the other domains the dual use of the European regulations should be made possible for state operations with an OPT-IN possibility e.g. pilot training and licensing or maintenance management and performance.

We foresee a further alignment of the organisational requirements and the authority requirements over the various domains, ending in one Part OR/AR applicable to all organisations and authorities working within the aviation industry.

Currently the regulations encompasses still both, prescriptive rules and the requirements for a Safety Management System. With the maturing of the Safety Management Systems within industry we foresee consequences for the current rules, then prescriptive rules may be downgraded to a lower level of regulatory material such as Acceptable Means of Compliance or Guidance Material for those who are not at the highest level in their implementation of the Safety Management System. Or some could be deleted all together.

Roles of the institutional players and organisation of regulatory oversight

The European Commission, EASA, as well as EU Member States, EEA States (Iceland, Liechtenstein and Norway) and Switzerland, each with their National Competent Authorities (National Aviation Authorities, National Surveillance Authorities) form together the so called 'EASA System'. Most rules are developed by EASA and adopted by the European Commission. Most rules are implemented by the EU Member States' competent authorities (eg. licensing of airlines and aircrew; authorisations for production and maintenance organisations) including oversight, or applied by the private sector. However, EASA is the competent authority for the implementation of rules related to airworthiness and environmental type-certification of aeronautical products, parts and appliances and for the oversight of organisations located in third countries or providing pan-European ATM services. Furthermore, EASA monitors the Member States' authorities to ensure uniform implementation of European aviation safety legislation. The European Commission, generally speaking, retains tasks of legislation and is responsible for enforcement.

9. In your opinion, how good are the following organisations at fulfilling their core safety responsibilities?

	Very good	Good	Bad	Very bad	No opinion
Member States' aviation authorities*	◯	◉	◯	◯	◯
European Commission*	◯	◉	◯	◯	◯
European Aviation Safety Agency (EASA)*	◯	◉	◯	◯	◯
Air Navigation Services Providers*	◯	◉	◯	◯	◯
Aerodrome operators*	◯	◉	◯	◯	◯
Airlines*	◯	◉	◯	◯	◯
Aircraft design and manufacturing industry*	◯	◉	◯	◯	◯

10. Would you like to elaborate on your replies?

> Europe has the second best safety record in the world, however as always
> some are better than others, and the whole system strives for continuous
> improvements.
>
> Through safety oversight Member States and EASA ensure that
> safety-related rules and requirements are met. Where EASA is not
> identified as the competent authority, it is the obligation of the
> national competent authorities to issue and oversee certificates,
> approvals and licences according to the EU rules in place. They must
> conduct investigations, including the inspection of aircraft having
> landed at airports on their territory, to prevent infringements.

Through safety oversight Member States and EASA ensure that safety-related rules and requirements are met. Where EASA is not identified as the competent authority, it is the obligation of the national competent authorities to issue and oversee certificates, approvals and licences according to the EU rules in place. They must conduct investigations, including the inspection of aircraft having landed at airports on their territory, to prevent infringements.

11. What is your opinion on the following critical statements linked to regulatory oversight?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
The capabilities of national competent authorities to perform oversight differ increasingly*	○	○	○	○	◉
There is a potential safety risk because oversight obligations are not always complied with*	○	○	○	○	◉
Some national aviation authorities do not have sufficient financial or human resources to carry out their oversight tasks*	○	○	○	○	◉
Some national aviation authorities do not have sufficient expertise to carry out their oversight tasks*	○	○	○	○	◉
EASA does not have sufficient financial or human resources to carry out its oversight tasks*	○	◉	○	○	○
EASA does not have sufficient expertise to carry out its oversight tasks*	○	◉	○	○	○

12. Would you like to elaborate on your answers, identify any other issues concerning oversight, and/or suggest any actions to be taken?

> We have answered 'No Opinion' on a number of questions because we have no insight into other authorities and whether this creates potential safety risks. EASA oversight and certification of certificate holders seems to work fine as far as we can judge. Certificate holders which are mature organisations with a well developed Safety Management System ensure themselves that safety related requirements and rules are met even without oversight.

Coherence of the regulatory system

The present aviation safety regulatory system has evolved over time and is characterised by a gradual transfer of competences for different aviation domains from the national to the EU level. Furthermore, European legislation has to be in line with International Standards and Recommended Practice issued by the International Civil Aviation Organisation (ICAO). In addition, technological progress may not always be reflected in the existing legislation. The same holds for new business models for airlines. The concern has been voiced that there are inconsistences between the different elements of the aviation safety regulatory system.

13. In your opinion, do the following regulatory issues exist and affect aviation safety negatively?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
There are gaps, overlaps or contradictions between the different domains of *aviation safety legislation*, e.g. missing elements or competing requirements in different areas which are difficult to reconcile＊	○	○	●	○	○
There are gaps, overlaps, contradictions, or competing requirements *between safety rules and other domains of aviation legislation*, such as security requirements, passenger rights, economic regulation, environmental rules＊	○	○	●	○	○
Authorities delivering an Air Operator Certificate are not always able to carry out related oversight due to remote or highly complex organisation of operations＊	○	●	○	○	○
Different oversight authorities do not sufficiently share safety relevant information＊	○	○	○	○	●
There are safety issues stemming from the fact that the state issuing the operating licence is not the one where the majority or even any of the operations of an air carrier are taking place from＊	○	●	○	○	○

14. Would you like to elaborate on your replies, identify other concerns, and/or suggest any actions to be taken?

> There are gaps, overlaps or contradictions between the different domains
> of aviation safety legislation, e.g. missing elements or competing
> requirements in different areas which are difficult to reconcile
> Agree
> The requirements for the National Aviation Authority of Member States
> still differ between the various domains, horizontal rules could be an
> improvement in this respect.
> Also the European rules of the air related to traffic flow management
> include rules for users of the airspace and aerodromes. It is hard for
> these users to find these requirements.
>
> There are gaps, overlaps, contradictions, or competing requirements
> between safety rules and other domains of aviation legislation, such as
> security requirements, passenger rights, economic regulation,
> environmental rules
> Agree
> There are gaps introduced in 'In flight security'.
>   There is a gap between the future OPS-rules (EASA/October 2014)
> and the 300/2008-rules (EC) in relation to inflight security training.
> EC and EASA have made proposals to bridge the gap between these rules.
>   As relevant Commission legislation about inflight security is
> announced in Regulation 300/2008, implementing rules only cover
> in-flight issues to a limited extent, a gap exists in relation to the
> rules on inflight security training (see point mentioned above).
>   The conflict being experienced by airlines and their staff
> requiring access to airside areas in the course of their duties, was
> initially caused by the implementation of EU-OPS 1 (July 2008) and the
> fact that in many Member States the authority responsible for aviation
> safety is different to the authority responsible for aviation security
> [Regulation (EC) 300/2008]. The inconsistencies are primarily related to
> 'in-flight' measures, for example:
> 1.   Flight deck security - means for monitoring outside the flight
> crew compartment (are now being addressed by EASA)
> 2.   Security check/search procedures and records
> 3.   Crew security training (are now being addressed by EASA)
> 4.   Reporting of security events/incidents and action taken
> Where EASA is addressing these issues within the OPS rules, should be
> done in close cooperation with those responsible for Regulation 300/2008
> thus to avoid further inconsistencies between the safety and security
> rules and not to breach the holistic measures within the field of
> security regulations and make optimal use of the existing expertise in
> the security field.

EU interests at international level

15. How good is the EU at showing international leadership in the following areas?

	Very good	Good	Bad	Very bad	No opinion
Influencing of global standards at ICAO*	○	◉	○	○	○
Promoting business and industry interests in bilateral relations with countries outside the EU*	○	◉	○	○	○
Technical cooperation with non-EU countries to improve safety around the world*	○	◉	○	○	○

16. Would you like to elaborate on your replies, identify any other domains of international cooperation, or suggest actions to be taken?

C. Subsidiarity and EU value added

According to the principle of subsidiarity the European Union does not take action, unless it is more effective than action taken at national, regional or local level.

1. Are there any domains of aviation safety which, although today regulated by the EU could be better regulated at national level?
Please elaborate possibly giving reasons.

```
Operational aspects of leisure flying with non complex aircraft may have
more local specifics and could be left to the Member States. Another
option is some basic rules with more possibilities for local deviations
or adaptations.
Other items which deal with individual personal risks and where there is
no need for a level playing field because there is no commercial market
could be regulated at national level.

Tethered Gas balloons should be excluded from the EU remit all together
as they are mainly used as attractions on fairs, although there are in
the remit of the International Civil Aviation Organisation.
```

2. Are there any domains of aviation safety which, although today regulated by the Member States, could be better regulated or need regulation at EU level?
   Please elaborate possibly giving reasons.

> The Netherlands does see some advantages in a review of annex II to the Basic Regulation. This annex was developed at the time when the remit of the Basic Regulation was limited to Airworthiness. With the extension of the Basic Regulation to other domains such as Flight Crew Licensing, Operations, these aircraft are also automatically excluded from the European Implementing Rules in those domains. We could see an amended Annex II based on different criteria. Is there a European (or World) marked where a centralized proportionate set of requirements and certification process would make the European system for these leisure aircraft simpler and more efficient?
>
> This would certainly be the case for Remotely Piloted Aircraft System's, where it is questionable whether there is a need for a limit and if so, what limit should be used? The current limit of 150 KG seems not to be appropriate, kinetic energy may be a better criteria to distinguish.
>
> Also some currently excluded leisure aircraft types could benefit from proportional centralized requirements and certification for design and production and even Flight Crew Licensing. This could be applicable for Micro lights, or production of kits for amateur finish.

3. Would you like to highlight key contributing factors which are important when deciding whether a task (e.g. adoption of rules, oversight, conclusion of agreements) is best done at EU level, at national level or at organisational level?

> The following key factors are important for the Netherlands when deciding where a task is best done:
> • 	General principles of subsidiarity and proportionality;
> • 	Principles of SMART Regulation
> • 	Is it a safety problem on national or international level?
> • 	Which regulator has the best knowledge of the problem?
>
> Some practical aspect could lead to the following distribution:
> European Level:
> • 	Efficiency for both the regulator as a certifying authority and the certificate holder,
> • 	The need for a level playing field by the existence of a real European market, to prevent unfair competition.
> National level:
> • 	Local circumstances are the main contributing factor for safety;
> • 	There is no need for a level playing field as there is no European commercial market.

4. Would you like to highlight any additional ideas relevant to subsidiarity and EU value added?

D. Identification of policy objectives

The Commission has drafted preliminary objectives for improving the regulatory framework. In this section, the Commission seeks to find out the degree to which stakeholders agree with these objectives and/or identify other objectives that may be taken into consideration in the legislative review.
In the context of setting objectives an overall safety target could be defined.

1. Which overall target should be set at EU level?*****
   - ⚪ Zero fatal accidents for commercial air transport involving EU operators
   - ⚪ No increase in the rate of fatal accidents per number of passengers carried by EU operators
   - 🔵 No increase in the absolute number of fatal accidents of EU operators
   - ⚪ A different target (please specify your suggestion below)
   - ⚪ No such target is necessary
   - ⚪ No opinion

2. Would you like to elaborate on your replies, and/or suggest different targets?

> To enhance safety with the same rate as the growth of the aviation
> industry is a target with already great ambitions. However Europe is
> achieving a level of safety that targets formulated at this level of
> abstraction are not able to give any directional information for
> stakeholders. We should look for low level indicators which give more
> and better information for decision makers where to put their resources
> and their efforts most effectively. As you can spend an Euro only once,
> better information to set priorities is needed.

3. How important do you consider the following aspects in the context of aviation regulation?

	Essential	Important	Not important	Irrelevant	No opinion
Safety*	●	○	○	○	○
Competitiveness of airlines*	○	●	○	○	○
Competitiveness of aircraft manufacturing industry*	○	●	○	○	○
Environmental protection*	●	○	○	○	○
Quality of services provided to travellers*	○	●	○	○	○
Low travel fares for passengers*	○	●	○	○	○
Level playing field for business in the internal market through harmonised aviation safety rules*	●	○	○	○	○
Security (protection against illegal actions)*	●	○	○	○	○
Good working conditions for workers*	●	○	○	○	○

4. Would you like to elaborate on your answers, and/or propose other relevant aspects in the context of aviation safety regulation?

```
Quality of services provided to travellers
Important, It is partly a derivative of a safe product.


Low travel fares for passengers
Important, Not important, the scale is inadequate.


Level playing field for business in the internal market through
harmonised aviation safety rules
Essential, it is a prerequisite for some of the other aspects.


Various aspects mentioned above are very important or essential for a
State and its role towards its workforce and its inhabitants. We only
see a role for the agency when these aspects are safety related.
```

5. How important do you consider that the following objectives be addressed by the policy review?

	Essential	Important	Not important	Irrelevant	No opinion
Render the regulatory system more proportional, less burdensome or less costly*	●	○	○	○	○
Improve the ability of the regulatory system to identify and mitigate the most pressing safety risks and to monitor safety performance*	●	○	○	○	○
Ensure that new technologies and new business models in aviation are covered*	○	●	○	○	○
Enable better cooperation throughout the system to improve the use of available resources*	○	●	○	○	○
Ensure a more consistent approach within and between domains of aviation regulation*	○	●	○	○	○
Enhance EU influence at international level*	○	●	○	○	○

6. Would you like to elaborate on your answers and/or propose any other objectives?

E. Policy options and their impacts

In this section, you are invited to indicate which policy options offer the greatest potential to reach the objectives specified in the previous section. While only selected key measures are addressed in this part of the questionnaire, you have an opportunity to present your detailed views on possible actions in different specific areas in the EASA A-NPA questionnaire, to which you are invited to reply as well.

E. I. Options and measures considered regarding the revision of the regulatory system

The Commission Roadmap on a policy initiative on aviation safety raises the question whether a more performance based regulatory system should be pursued to address safety challenges and issues of proportionality.
A number of rules in aviation safety have developed over time based on a predominantly prescriptive regulatory approach. Other tools, such as performance-based regulation, might help to drive further improvements in aviation safety. Prescriptive regulation defines how activities are to be undertaken (e.g. what techniques or materials to use, what qualifications must be held), hence specifying mandatory methods of compliance. Performance-based or outcome-based regulation, however, puts emphasis on specifying a performance standard for the desired outcome and does not deliberately constrain how compliance is to be achieved.

1. What is your opinion on the statements below regarding the main benefits of detailed prescriptive aviation safety rules in this context?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
They provide clear guidance*	○	○	◉	○	○
They provide legal certainty*	○	○	◉	○	○
They assure a high level of safety*	○	○	○	○	◉
Compliance check is straightforward*	○	○	○	○	◉

2. What is your opinion on the statements below regarding the main shortcomings of detailed prescriptive aviation safety rules in this context?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
They hamper innovation*	○	○	○	◉	○
Compliance is burdensome*	○	○	◉	○	○
Compliance is costly*	○	○	◉	○	○
Having to comply with detailed prescriptive rules is a competitive disadvantage*	○	◉	○	○	○

3. Would you like to elaborate on your answers, and /or identify any other benefits and shortcomings of detailed prescriptive safety rules?

```
They assure a high level of safety
No Opinion
We have reached the current level of safety with prescriptive rules, but
prescriptive rules as such do not assure anything. For some areas,
prescriptive regulation can perhaps be too detailed/costly, and as such
have an adverse effect on the level of safety.

Compliance check is straightforward
Agree, disagree, often just ticking the boxes is not relevant.

Compliance is burdensome
Agree
However the aviation safety system cannot be without compliance checks
as reality checks within certain areas.

Compliance is costly
Partly Agree
Performance based oversight may even be more expensive than compliance
based oversight, certainly in the beginning, when the Safety Management
Systems of the stakeholders are not yet mature enough.

Having to comply with detailed prescriptive rules is a competitive
disadvantage
Disagree
When all certificate holders have to comply with the same prescriptive
rules, there is no competitive disadvantage

The Netherlands supports the process to move to a more risk based system
and performance based approach. To ensure safety a certain level of
prescriptive rulemaking may remain necessary.
```

In our opinion the maturity of the aviation industry in the rather prescriptive compliance-based system and the consequences of the implementation of Safety Management Systems are not enough taken into account. One of the most relevant elements of a performance-based regulatory system is that the European Aviation Safety Plan and program and member states State Safety Plans can direct aviation organisations and make it possible for authorities to enforce compliance when necessary. The European Aviation Safety Plan and program and member states State Safety Plans and the Safety Management Systems of the certificate holders should be a two way pyramid where information on risks and mitigating actions is distributed top down, but also collected bottom up.

Focus on Safety Management Systems and setting performance standards would allow the industry to better assess the effectiveness of their own systems. The existing prescriptive material should be kept as Acceptable Means of Compliance or Guidance Material for those less mature as a way to fulfill the rule.

The problems within oversight may be with those certificate holders who are able but not willing to implement an effective Safety Management System. Inspectors need to be trained to oversee beyond the compliance check and into performance based oversight.

In our opinion the role of the Agency regarding further expanding the systematic mechanisms and processes of data collection, analysis and report, should prevent any manual data copy. A smart way of data collection and analysis could be developed and implemented by the Agency.

Further questions on a performance-based approach in aviation safety can be found in the EASA A-NPA questionnaire.

The Commission Roadmap also puts the question whether a more risk-based approach should be followed in determining where and how to regulate, or what to inspect. A risk-based approach is understood as meaning that not all cases are treated equally, but that more attention goes to those activities which carry more risk and/or to those activities where the tolerance for risk is lower. For example, risk-based oversight would mean that authorities spend more resources to inspect a start-up company than a company with a strong safety record going back many years.

4. What is your opinion on the statements below regarding the main benefits of a risk based-approach to regulation?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
Reduces enforcement costs for authorities*	○	○	●	○	○
Reduces inspection related costs for well performing operators and service providers*	○	○	○	●	○
Allows to focus on the issues, areas or organisations where there are higher risks for safety*	○	○	●	○	○
Allows for more differentiated decision making*	○	○	●	○	○
Allows to better target limited resources*	○	○	●	○	○
Enhances the capability to identify potential risks*	○	●	○	○	○

5. What is your opinion on the statements below regarding the main shortcomings of a risk based-approach to regulation?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
Requires reliable data collection and risk monitoring system, which brings along administrative burdens, and cost*	○	●	○	○	○
Creates risk of oversight gaps*	○	●	○	○	○
Requires additional expertise in gathering and interpreting risk information at the level of the regulated entity*	○	●	○	○	○
Requires additional expertise in gathering and interpreting risk information at the level of the regulator*	○	●	○	○	○
Creates legal uncertainty for operators/industry/workers*	○	●	○	○	○

6. Would you like to elaborate on your answers, and /or identify any other benefits and shortcomings of a risk based approach to regulation?

```
Reduces enforcement costs for authorities
Agree, disagree.
We agree that for the enforcement on findings related to detailed
prescriptive and administrative rules the enforcement cost could be
reduced when changing to a more risk and performance based approach.
However the enforcement costs related to 'how bad or good' a certificate
holder performs and whether this performance is adequate may be higher.

Enhances the capability to identify potential risks
Disagree
The capability to identify potential risk or hazards is a prerequisite
to introduce a risk based approach to regulation. It enhances the self
learning capabilities of the organisation by enhancing the feedback
loop.

Requires reliable data collection and risk monitoring system, which
brings along administrative burdens, and cost
```

Disagree
Reliable data collection and risk monitoring system have to be
introduced under the obligations of annex 19 to the convention on
International Civil Aviation of Chicago introducing a Safety Management
System for all certificate holders in the aviation industry.

Creates risk of oversight gaps
Disagree
All aspects of the requirements need to be overseen periodically to
calibrate the risk assessment, even with a prolonged interval.

Requires additional expertise in gathering and interpreting risk
information at the level of the regulated entity
Disagree
Expertise in gathering and interpreting risk information at the level of
the regulated entity has to be introduced under the obligations of annex
19 to the convention on International Civil Aviation of Chicago
introducing a Safety Management System for all certificate holders in
the aviation industry.

Requires additional expertise in gathering and interpreting risk
information at the level of the regulator
Disagree
Expertise in gathering and interpreting risk information at the level of
the regulator has to be introduced under the obligations of annex 19 to
the convention on International Civil Aviation of Chicago introducing a
Safety Management System for all certificate holders in the aviation
industry and a Safety Plan for the State.

Creates legal uncertainty for operators/industry/workers
Disagree
There will still be the legal certainty for operators/industry /workers,
but it will be at a different level. The certainty will not be in the
details of how to comply with the prescriptive rules, but in the
performance to be achieved.

The references related to the questions above is somewhat unclear to us.
Within the current regulatory system included in annex 19 to the
convention on International Civil Aviation of Chicago a Safety
Management System for all certificate holders in the aviation industry
and a Safety Plan for the State is introduced.

**With regard to regulation it has been suggested that the public authorities should not
impose the same stringent safety rules on all types of aviation activities and operations alike
because the risks and the cost/benefit of safety measures is different depending on the type
of activities/operations. More involvement of public authority often goes along with
additional costs and less flexibility.**

7. Where should public authority (national or EU) intervene more or less with respect to assuring safety of the individual?

Please rate from 1 (the highest need for protection) to 3 (the lowest need for protection).

	1	2	3
A passenger who bought an airline ticket*	●	○	○
A person on the ground not involved in aviation activities*	●	○	○
A person on the ground involved in aviation activities (e.g. airport ground worker)*	○	●	○
A person working in the air (e.g. someone making aerial photographs, a doctor in a rescue helicopter)*	○	●	○
A person employed as a member of an air crew*	○	●	○
A person being transported for work related reasons (e.g. a worker being transported to an oil rig in a company plane)*	○	●	○
A person flying for recreational purposes (e.g. a parachutist)*	○	○	●
A pilot flying his/her own aircraft*	○	○	●

8. Would you like to elaborate on your answers, and/or consider any other activities?

```
We have answered the above question with the intent to create a sort of
a risk hierarchy, we did not relate the rating to the current amount of
regulation as such.
•       We have rated a '1' where the state has a responsibility for
the safety of the passenger who is buying a service from a transport
organisation and the people on the ground who are over flown by an
aircraft.
•       We have rated a '2' when the persons are able to personally
influence the process, have a personal choice to take the risks or where
there is a direct company responsibility for safety involved.
•       We have rated a '3' when there can be personal freedom to asses
and take personal risks in relation to the performed activities.
```

A safety management system (SMS) is a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures and aims at providing a structured management approach to control safety risks of a given operation.

9. What benefits do you expect from a greater reliance on Safety Management Systems (SMS)?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
Better prevention of accidents and further improvement of aviation safety*	○	○	○	●	○
Less reliance on prescriptive safety rules*	○	○	●	○	○
Possibility for industry to increasingly manage its own safety*	○	○	●	○	○
Resources savings*	○	●	○	○	○
Other (please specify in question 10)*	○	○	○	○	●

10. Would you like to elaborate on your answer?

```
Resources savings
Disagree
When introducing Safety Management Systems, the capability to identify
and assess potential risks, including those related to changes in the
system will increase. The chances of doing things right the first time
will also increase. In that way with the same resources, further safety
enhancements can be achieved.
```

E. II. Options and measures considered regarding the revision of governance, institutional roles and responsibilities

1. What is your opinion on the statements below regarding the revision of the institutional roles and responsibilities between European Commission, EASA and national competent authorities?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
Keep responsibilities as they are*	○	○	●	○	○
Revise distribution of responsibilities (for further details see questions E.II.3 and E.II.4)*	○	○	○	○	●
Centralise responsibilities of competent national authorities at EASA*	●	○	○	○	○

2. Would you like to elaborate on your answers and/or identify additional options for revision of roles and responsibilities?

```
Keep responsibilities as they are
Agree
We agree in a general, purely institutional sense. Please see the
answers to other questions for detailed issues.

Revise distribution of responsibilities (for further details see
questions E.II.3 and E.II.4)
See answers to question E.II.3 and E.II.4

Centralise responsibilities of competent national authorities at EASA
Strongly disagree
See answers to question E.II.3 and E.II.4 for details.
```

3. From your own perspective (or the perspective of your organisation), in case responsibilities for certification/approval/oversight were reattributed which measure would you support?

	Strongly disagree	Disagree	Agree	Strongly agree	No opinion
More tasks should be given to the operators themselves (e.g. increasing reliance on internal audit and independent assurance functions)*	○	○	●	○	○

Statement					
Certain responsibilities should be carried out by private authorised organisations (e.g. sport aviation association) instead of public authorities *	○	○	●	○	○
Certain responsibilities should be moved from EASA to national authorities *	○	●	○	○	○
Certain responsibilities should be moved from national authorities to EASA *	○	●	○	○	○
Certain responsibilities should be moved from the European Commission to EASA*	○	●	○	○	○
Certain responsibilities should be moved from EASA to the European Commission*	○	●	○	○	○
National authorities should carry out all tasks based on EU rules in a more harmonised way "on behalf of" EASA*	○	●	○	○	○
National authorities should have more options of pooling tasks with other national authorities or with EASA*	○	○	○	●	○
National authorities should have more options of outsourcing tasks to other national authorities or to EASA*	○	○	●	○	○

4. Would you like to elaborate on your answers and/or identify additional options?

```
More tasks should be given to the operators themselves (e.g. increasing
reliance on internal audit and independent assurance functions)
```

Agree
This will be possible with Performance Based Oversight for good performing operators with an effective Safety Management System.

Certain responsibilities should be carried out by private authorised organisations (e.g. sport aviation association) instead of public authorities
Agree
Under the prerequisite that these organisations are under the oversight of the public authorities.

Certain responsibilities should be moved from EASA to national authorities
Disagree
However, we need more flexibility within the current System

Certain responsibilities should be moved from national authorities to EASA
Disagree
However, we need more flexibility within the current System

Certain responsibilities should be moved from the European Commission to EASA
Disagree
However, we need more flexibility within the current System

Certain responsibilities should be moved from EASA to the European Commission
Disagree
However, we need more flexibility within the current System

National authorities should carry out all tasks based on EU rules in a more harmonised way "on behalf of" EASA
Disagree
However, we need more flexibility within the current System

Within the current regulatory system the National Aviation Authority of a Member State need to have the capability and expertise to issue and perform oversight for all possible certificates that are included in the various aviation safety regulations. There are no possibilities to cooperate in a way where one Authority will deal with a specific responsibility and the related tasks for more than one Member State including the signing of the certificate and the issue and follow up of findings. This transfer is recognizable distinct from subcontracting to a Qualified Entity, where the Aviation Authority stays fully responsible and still needs to have the competences to oversee and judge the result of the work done by the Qualified Entity.

The voluntary possibility of horizontal or even vertical allocations to other Members States or the Agency could be used to optimize the use of the available resources and create some regional centers of expertise

with adequate work volume. On the other hand certain legal aspects, proximity and language aspects as well as financial aspects needs to be thoroughly evaluated to minimize the consequences for applicants and holders of certificates. Only as the result of a infringement procedure where the Member State is found to be at fault transfer of responsibilities and the associated tasks could be foreseen on a non voluntary basis. And only with the possibility for the Member State to increase its competences and regain the responsibilities.

More data sharing between Member States and more cooperative oversight, with the possibility of one Aviation Authority coordinating all oversight, may be needed with new business models emerging for a group of organizations or other complex constructions of various operators from one mother company. Even constructions for intercontinental flights like those of Norwegian may need closer cooperation.

Another way of optimizing the use of the available resources can be the possibility to make better use of internationally recognized industry standards and the audit results by the organizations overseeing these standards. These results could be used for the risk evaluation in relation with the oversight programming of the Aviation Authority. Those standards and approvals must comply with certain quality standards and independence.

The certification and oversight of the training institutes for Safety Assessments of Foreign Aircraft could be the responsibility of Agency. Often staff of the Aviation Authority of the Member State where the training institute is located teach at the institute and independence of oversight might be compromised.

Full flight simulators could be centrally type certificated by the Agency as it certifies the related aircraft. This would make it possible to use the regulatory systems now used in airworthiness for design, production and the issue and renewal of individual certificates.

5. If you find that certain key elements about policy options have been missed, please specify these in the box below along with your comments.

F. Other questions

1. Would you like to highlight any specific ideas relevant to small and medium-sized enterprises (SMEs) in the context of this consultation?

2. Are there any other issues you would like to highlight in relation to this initiative (see the Commission Roadmap document)?

> **We expect from the European Commission that they will take due regards of the results from the recently installed ICAO 'Task Force on Risks to Civil Aviation arising from Conflict Zones' when the Commission is formulating proposals to change the Basic Regulation, a change to the remit of the agency or changes in the attribution of responsibilities between the various stakeholders.**

3. Please give reference to any studies or documents that you think are of relevance for this consultation, with links for online download where possible.
   You may also upload relevant documents.

4. Please upload relevant documents.