



Regaining trust in aviation

by Dirk Polloczek

Europe's pilots are shocked – on 24 March, 144 passengers and 6 crewmembers died a senseless and tragic death. We are shocked, because even if this will turn out to be an isolated and singular event in Europe's aviation history, we never thought that an act like this might be done by one of our colleagues. That is because we work hard every day, together with all our colleagues in the airline industry, to make flying even safer than ever before. Safety is in every pilot's professional DNA, and the first and most important answer we, as professional pilots, can give now is to do what we do best: take our passengers, who trust us with their lives, safely to their destinations!



#indeepsorrow

But we will have no choice than to shake off the shock and start answering the many burning questions. Will it be enough, however, to simply add some steps to existing procedures or to implement new rules and regulations? I doubt that. From my point of view this is about regaining

the trust of our passengers into the safety of flying and into our industry as a whole.

Regaining trust is also an issue when it comes to protecting data during an ongoing investigation, and the fact that such data was collected for the sole purpose of increasing safety! The fact that pilots are the only profession that has a non-stop surveillance at their workplace, by means of Cockpit Voice Recorders and Flight Data Recorders, does not give anybody the right to misuse the collected data by making it public. No matter if we talk about an accident investigation or a criminal prosecution, the rules are exactly the same. Some branches of the media seem to have lost this out of sight and the intense media pressure was for sure not helpful for leading a thorough investigation.

Finally, time and media pressure are never good advisors

when it comes to finding solutions. We are running the risk of seeing new policies introduced without thoroughly thinking them through. Involving stakeholders – including pilots – at this critical stage is essential. This is the way that the aviation industry has always drawn the necessary conclusions from tragic events. This is also the way that made aviation the safest means of transportation. And this is the only way to pay respect to the victims, their relatives and friends.

Further reading: [Germanwings tragedy: viewpoints](#)

EASA proposes 7 areas for improvement

The European Aviation Safety Agency (EASA) is mobilising for a major extension to its scope and remit in the future. The major areas of this future revamp of the Agency are outlined in the proposal for revision of the EASA Basic Regulation, published last month after a consultation with stakeholders.

For the years to come, the [EASA Opinion](#) of March 2015 proposes to make changes in 7 key areas:

- > A performance-based and integrated approach to safety,
- > Modernising and updating the EASA's safety remit,
- > Extending the EASA's remit beyond safety,
- > Optimising the use of available resources,
- > Ensure an adequate and stable Agency funding,
- > Further integration of aviation aspects, and
- > Aviation regulation beyond the EASA's facets.

An important part of the proposed changes focus on the transition towards a Performance-Based Regulatory (PBR) environment. On this issue, the Agency finds a common ground with many stakeholders that PBR should not totally replace the prescriptive elements of the framework but should rather gradually complement them further or possibly replace them where appropriate. In its contribution to the consultation, [ECA has outlined that PBR](#) can improve safety

but it can also endanger it if implemented or overseen badly. Giving operators flexibility depending on the scope and nature of their operations and taking into account their safety record may be a way forward. Yet, the danger of a rushed or inconsequential approach to PBR will be a long-term deterioration of safety standards.

Among others, EASA proposes for Member States to delegate and/or share some of the safety oversight functions to other national authorities or to pool them or delegate them to the Agency, in order to make sure that no safety risks are overlooked. This is a much-welcome move, considering the multiple [examples of lacking safety oversight](#) or difficulties of performing remote oversight operations. ECA supports the view that in a long-term step-by-step process, the national authorities could evolve to become national EASA 'satellites', complementing and supporting the Agency. This however is only possible if the Agency receives the necessary additional resources, both financially and in terms of manpower and expertise, something which ECA strongly supports.

The EASA Opinion remains at high, generic policy level and, therefore, does not contain any draft legal text. As a next step, the Opinion will serve as an input for the European Commission's proposal for amending the Agency's current Basic Regulation. This is expected in the second half of 2015. All changes should ultimately contribute towards an Agency which is a well-equipped safety regulator and oversight body, capable of effectively overseeing Europe's increasingly growing and complex aviation.

The "little differently" philosophy of Primera Air

Europe seems to offer fertile ground for 'new business models' and airline management aspiring to de-facto re-write the rules of competition. A new candidate-pioneer with a 'new business model', longing to do things differently has emerged. It seems though that this new business model has a familiar ring to it: social dumping & regulatory shopping for flexible rules and oversight are its key pillars. This is the example of the Icelandic-Danish-Latvian Guernsey-company Primera Air: a charter airline flying mostly Scandinavian holidaymakers.

The basic facts are remarkable: Initially established in Iceland, with an Icelandic Air Operations Certificate (AOC), it obtained an AOC in Denmark in 2009 and in late 2014 decided to move its aircraft to Latvia. There – in Riga – under a new subsidiary "Primera Air Nordic", it manages remotely its operations, only very few of which will ever

touch Latvian territory. While currently many of Primera Air's aircrew are still on direct open-ended employment contracts, the number of pilots and cabin crew engaged as self-employed contractors through the Guernsey-based agency „Flight Crew Solutions“ is increasing.

This set up sounds astonishingly familiar with the example of AVIES AS – a small/mid-size European airline having most of its operations in Sweden while having an Estonian AOC. The Norwegian Air International (NAI) model, stretching out between 3 continents, is another example. But while Norwegian is more discrete about why it would like to abandon Norway's strict regulations and social laws, Primera Air Chief Executive Hrafn Thorgeirsson does not shy away from admitting the Latvian AOC will allow Primera Air to do its business "a little differently" to accelerate its growth: "The carrier needs to have an AOC outside the Nordic countries to have "more flexibility" especially in regard to labour regulations and unionization", he says.



With the move of almost all aircraft to its new Latvian subsidiary, the responsibility for the operator's safety oversight will be with the Latvian Civil Aviation Authority (CAA). For Primera Air, which is a private charter company with atypical air crew employment practices through an agency in Guernsey, the rather small Latvian CAA will face the challenge of having to oversee Primera's operations in a far-away country. Similar experiences elsewhere in Europe have demonstrated the inability of small, under-resourced authorities to perform effective safety oversight (e.g. AVIES in Sweden). And if that was not sufficient, there is also the investigation report into the Cork accident warning against the difficulties of performing 'remote oversight' by a relatively small authority.

Airlines 'shopping around' for lenient legislation, bypassing regulatory, tax and social obligations is a new trend, but not a business model. Primera Air is just another example of how little different this "little differently" philosophy is.

Read more on www.eurocockpit.be



ECA
Piloting Safety

ECA is the representative body of European pilot associations, representing over 38.000 pilots from across Europe

European Cockpit Association AISBL – Piloting Safety
Rue du Commerce 20-22 / B-1000 Brussels
www.eurocockpit.be / communications@eurocockpit.be

Copyright © 2015 European Cockpit Association