



ECA CONFERENCE & GENERAL ASSEMBLY



2009

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N.B.: ECA's Annual Report is in a format that focuses on ECA's core activities during the past 12 months, and provides a short, readable overview on its activities, the state of play, and ECA's approach to the myriad of policy and legislative developments at EU level.

1 Foreword by ECA President, Martin Chalk

This year has again been ECA's busiest year yet; although 2010 is already anticipated to be busier! Developments in both the technical and political areas have presented us with new and significant challenges. However, as you will read in this report, the small and hard-working ECA Team – supported by our Member Associations' experts in ECA's Working Groups – has coordinated and lead a response to these developments. This has had a direct, positive and significant impact on behalf of our members, and has greatly enhanced the standing and reputation of Professional Cockpit Crew at European level.

I believe two significant areas of work in the last 12 months stand out.

Firstly, following the change in sovereignty in regulation of the operational and licensing areas of our industry from National to European level with EASA Regulation 216/2008, the European Aviation Safety Agency (EASA) issued a number of very detailed and lengthy 'Notices of Proposed Amendment' proposing future EASA rules governing almost every aspect of the pilots' profession. These ran to thousands of pages and presented the ECA team and its Working Groups with a very significant challenge. Nonetheless, we are all indebted to the ECA and its Member Associations' experts who commented all of the text, *and* successfully argued for a more practical legislative approach. The 'lion's share' of all technical safety regulations (including fundamental pilot issues such as Flight and Duty time regulations, pilot licensing, or air operations) are now prepared and published at European level. ECA must and will continue to ensure Professional Pilot expertise shapes every change in EU legislation.

Secondly, the ECA team is aggressively addressing the challenges presented by the continuing liberalisation of the economic regulation of civil aviation. The opportunities created for companies such as easyJet, the Lufthansa and Air France/KLM groups and cargo carriers cannot be underestimated. However, these gains are tainted by the challenge of companies, such as British Airways, who abused European competition legislation to enable them to indulge in classic social dumping with their BA OpenSkies subsidiary. ECA has been developing a variety of responses to ensure that our members do not lose out from such liberalisation, but benefit from the greater economic activity. Working with the European Commission, and using our position on the Joint Committee of the EU-US Stage 1 Air Transport Agreement, we have been heavily involved in the current 2nd stage EU-US negotiations as well as in two trans-Atlantic Labour Conferences. These Conferences examined both the challenges and potential solutions to the issue of effective pilot representation across borders (and even oceans), and we are working to deliver improvements in the laws which will enable good people management in European Level companies, complementing those available at national level.

2010 is shaping up to be just as challenging and interesting – and ECA is ready to deliver!

ECA President, Captain Martin CHALK

2 Political Issues

2.1 External Aviation Relations

2.1.1 ECA's Position on Air Transport Agreements

In 2009, the European Commission tabled a very ambitious negotiations agenda. In order to be able to address this additional work, ECA has once more advocated for its position paper at the European Commission. This document mentions the types of provisions ECA expects, depending on the type of agreement negotiated. ECA's policy varies according to the degree of market openness that the Commission wants to reach with the third country.

The majority of the negotiations, in which ECA does not need to be active, are 'horizontal agreements'. These agreements only modify some clauses in the existing bilateral agreements – between Member States and third countries - that are in conflict with European legislation. One example is the 'Community designation' clause: as required by the 3rd package of air transport liberalisation, a country has to designate 'community carriers' in its bilateral agreement and can no longer only designate 'national carriers'. Nevertheless no commercial issues are discussed in these negotiations.

The other types of negotiations aim at increasing commercial opportunities and therefore discussions include the increase of traffic rights and frequencies, but can also modify the rules on foreign investment, ownership and control. The agreements that propose a full liberalisation of the air transport market between one country and the EU are called 'Open Sky' agreements. This name refers to the 'Open Sky' court cases launched in 1998 by the Commission against several Member States and their Air transport agreements with the US. Such a liberalisation of the market very much affects the working conditions of employees in the aviation sector and particularly mobile staff and their ability to effectively organise in trade unions.

2.1.2 EU-US Agreement

The first stage Agreement between the EU and the United States was launched in March 2008. Since then most restrictions on Trans-Atlantic routes, prices and frequencies have been removed. The air transport landscape between the two markets has been modified. A typical case being British Airways who set up a business class carrier to operate between Paris or Amsterdam and New York, offering lower working terms and conditions to newly recruited pilots. The European authorities predicted employment opportunities for aviation employees; but this remains to be seen. To monitor the social consequences of this agreement, the European Commission and the US Department of Transport have agreed to meet regularly with the respective stakeholders. Representing European pilots, ECA is an active player in the negotiations in the European side as well as in the Joint Committee meetings.

In December 2008 and June 2009, the European Commission organised two transatlantic labour forums to examine ECA's concerns.

The 1st Labour Forum (Dec. 2008) raised issues surrounding the implementation of the EU-US 1st Stage Agreement that entered into force in March 2008. Consequently, the Commission organised a 2nd Labour Forum aimed at examining potential solutions to the erosion of air crews' ability to exercise their basic labour rights.

During these events and in line with their policy, ECA and ALPA International have joined their skills and knowledge to demonstrate the potential social downsides of the EU-US aviation market liberalisation. The decision-makers on both sides of the Atlantic have received a clear and simple message that "a sustainable economic market requires related and adequate social provisions".

Despite the Commission's willingness to look at the social consequences of the liberalisation of the EU air transport market on industrial relations, its ambitions of economic expansions remain big. Its

ultimate goal is to achieve a large market without any restrictions on foreign ownership and access to the domestic market. The social consequences would therefore be higher. ECA has repeatedly stressed that such a degree of market openness should not be achieved without adequate social provisions to avoid social dumping and the erosion of the employees' ability to effectively exercise their trade union rights. Supported by the External Relations Working Group and ECA staff, Captain Martin Chalk, ECA President, has followed the negotiations since the beginning and has fought to include social provisions in the agreement. ECA supports the liberalisation of the air transport market but will never accept an agreement that does not link economic issues with the appropriate social provisions.

2.1.3 EU-Australia Agreement

The European Commission and the Australian Government met in November 2008 and June 2009 for two rounds of negotiations. Since then the process has been slowed down as the Australian government revised its whole legislation including air transportation. The two key issues - being the liberalisation of airline ownership and control and the degree of openness in traffic rights - have not been yet determined but both parties wish to be 'ambitious'. In September 08 the Australian delegation informed the EU that it is considering air transport legislative changes to allow specifically for EU nationals to establish domestic and international airlines in Australia or to majority own and control existing international airlines other than Qantas. Such measures are being considered by the Commission who is pushing for a full opening of the traffic rights.

This Open Sky agreement would be the third negotiated by the Commission after those with the US and Canada.

ECA supported the principle of liberalisation, but wants to make sure that political ambitions do not prevail over flight safety and social protection.

These types of agreements have a lot of consequences in many fields for pilots' associations. If this ambition becomes

reality, European pilots would be able to operate for their (European) company within Australia. Which social law would apply? Would the collective labour agreement be recognised by the Australian authorities? The threat of social dumping is real. In order to support this project, ECA has advocated for concrete measures to safeguard labour rights and to maintain or improve working conditions.

2.1.4 EU-Neighbouring Countries Agreement

In order for the European Commission to improve and secure relations with its neighbouring countries, it has developed a European Neighbourhood Policy (ENP). The objective of the ENP is to increase the mutual prosperity, stability and security in the EU and its neighbouring countries. The ENP offers privileged political and economic relations to 16¹ countries (Caucasus and Mediterranean region).

In the area of Air Transport, the Commission has launched several projects to support the neighbouring countries in developing their air transport infrastructures and legislation and in improving their safety and security standards.

The Commission has already signed an Air transport Agreement with Morocco and is currently very active in negotiating with Jordan, Tunisia, Israel and Ukraine.

ECA, having limited resources, is not active in the assistance project but is closely following the ongoing negotiations.

2.2 Social Dialogue

The European Commission launched a wide consultation on the functioning of Social Dialogue. ECA contributed to this consultation asking for more tools and more involvement of the institutions to develop a true social dialogue capable of producing binding agreements of European dimension. The position taken

¹ Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine.

by ECA – i.e. a more meaningful, binding dialogue – is very similar to that of the other employees’ organisations and clashes with the positions expressed by employers. The employers are satisfied with the current situation and are against all forms of binding dialogue. The Commission will make a social dialogue proposal in 2010, but following the initial reactions to this consultation, there are no significant changes compared to the current situation foreseen. ECA will continue to closely monitor the development of this issue.

Each year, the European Commission reviews the representativeness of social partners in a number of sectors to ensure that the social partners are indeed representative and can engage their members in social dialogue meetings and agreements. This year, the actors in the Civil Aviation sector were reviewed. ECA and its Member Associations contributed by explaining their status and industrial role to the consultants hired by the European Foundation for the Improvement of Living and Working Conditions. The final report confirms the current representativeness of ECA and its Member Associations.

The activities of the Sectoral Social Dialogue Committee on Civil Aviation have been strongly influenced by the financial crisis. Employer organisations have been focusing on restructuring and cost cutting meetings with their local social partners and were less involved in European activities.

Employer organisations wanted to use the Social Dialogue Committee to obtain relief measures from the European Institutions. On the other hand, ETF (European Transport Workers’ Federation) Member Associations wanted to use the crisis to question transport liberalisation. This radical opposition between ETF and the employers made it impossible to develop a common approach. ECA deplored this blockage. Social dialogue had proven to be a key for helping companies survive during crisis periods. For ECA, the failure of European Social Partners in adopting a common position to address the crisis shows the need for the EU to create the conditions for a real social dialogue for

trans-national companies. Without such dialogue, European-dimension companies will not have the possibilities to fight the crisis in a harmonised way and will encourage the periodic appearance of nationalistic interests.

In terms of concrete progress only the area of “work health promotion” made some advancement with the identification of best practices. It was agreed to launch a study to further enquire on this subject in order to work on a model for the organisation of work health promotion facilities in every company.

The revision of the Working Time Directive 79/2000 is at a standstill. In June, after 9 months of silence, the employers’ associations answered to ECA and ETF’s proposal for the Directive’s review with a refusal to change the text of the Directive and a vague proposal to examine possible specific actions on a case to case basis. ECA cannot accept this proposal and will work with the EU Institutions to clarify certain open questions and to put the Directive 79/2000 in line with the general directive on working time.

2.3 Legal Group

The ECA legal group met for the first time on the 8th of July 2009. The Agenda of this first meeting was focused on the assessment of impacts of the European Court of Justice Judgement in the Laval and Viking cases. The legal experts from various Member Associations provided valuable information about their legal systems and their perception of the impact of European jurisprudence on their industrial relations.

The group agreed to continue the monitoring of this subject and to share any new development. The ECA office will follow the new cases in the European Court of Human Rights.

The Legal experts agreed on the need to further develop contacts on legal issues. The ECA will develop a webpage allowing legal experts to share information and to maintain a network of expertise.

3 Professional Issues

3.1 Flight Time Limitations

For more than 16 years, Flight Time Limitations (FTL) have been one of ECA's major policy issues at EU level. On 16/07/2008, Subpart Q of the EU-OPS Regulation 1899/2006 had to be implemented by all EU Member States and their operators.

The end of 2008 and beginning of 2009 was marked by some implementation and interpretation problems at national level. Based on its detailed FTL "Interpretation Guide", ECA assisted several of its Member Associations with legal advice and political support vis-à-vis their National Authorities.

ECA also intervened at EU level, in order to obtain the EU Commission's opinions on how to interpret certain Subpart Q provisions. The two main issues were the calculation of Flight Duty Period (FDP) and the definition of 'end of flight duty'. On the latter, ECA was not able to get a clear Commission opinion, as EU Member States in the Air Safety Committee (ASC) were split on that issue. However, on the issue of FDP, ECA succeeded in obtaining a Commission / ASC opinion which was in line with ECA's safety-based position.

2009 was dominated by the EU bodies' regulatory activities on FTL, notably by the legislative follow-up on the scientific study on Subpart Q, the so-called "Moebus Report".

Commissioned by the European Aviation Safety Agency (EASA) and carried out by scientific fatigue experts on behalf of a Swiss consultancy "Moebus Aviation", this scientific study was finalised on 30 Sept. 2008, and presented to EASA's FTL Advisory Group in early Nov. 2008. The report concluded that several provisions of Subpart Q are not sufficient to protect against the safety risks of pilot fatigue, and made several recommendations on how to change Subpart Q.

After the official publication of the Moebus Report in Jan. 2009, ECA had to react to a strong lobbying campaign by the airlines

against this report's scientific findings and recommendations. As neither EASA nor the Commission started the legislative work needed to change Subpart Q, ECA mounted a strong advocacy campaign towards the EU Institutions to counter the airline lobbying.

In Jan. 2009, EASA published a Notice of Proposed Amendments (NPA) on air operations, including a chapter with draft rules for FTL. These draft rules ignored the results of the Moebus Report. The FTL Working Group, its experts and the Secretariat developed and submitted (end July) a large amount of detailed comments on the proposed draft FTL rules, as well as on the related "Authority Requirements" needed to derogate from the FTL rules. ECA's FTL comments were largely based on the results of the Moebus study as well as on previous work done within ECA.

One of the key priorities during 2009 was to ensure a legislative follow-up to the Moebus Report. In addition to many formal contacts and correspondence with EASA and the EU Commission, ECA had informal contacts – and internal strategy meetings – on the issue of which option to choose for an EASA rulemaking process on FTL. After careful assessment, ECA supported the option of legally binding 'Implementing Rules' based on Subpart Q and the Moebus study, rejecting the option of more flexible, legally non-binding 'Certification Specifications'.

Based on this decision, ECA commented on the Draft Terms of Reference (ToRs) for a new EASA rulemaking task on FTL - OPS.055) which EASA launched in late summer 2009. The aim was to ensure these ToRs provide a solid framework and roadmap for EASA's future rulemaking, fully reflecting the legal mandate and based on latest scientific evidence, incl. the Moebus Report.

In this context, ECA participated with three representatives in the Agency's 'High Level Meeting in Sept. where the ToRs were discussed with stakeholders. ECA cooperated very closely with the European Transport Workers' Federation (ETF) both at that meeting and in our comments on the ToRs, where ECA and ETF submitted joint comments on the ToRs.

One of the means to make the EU Institutions follow-up on the Moebus Report was the European Action Day on FTL, carried out on 5 Oct. (see separate chapter). The FTL Steering Committee and WG supported this action day with detailed technical expert input and strategic guidance. The Steering Committee and Secretariat prepared and provided all ECA's arguments, including detailed Questions & Answers on FTL and the Moebus Report, press material, and a 7-point Action Plan for Safe Science-based Pilot Fatigue Rules.

ECA carried out a detailed follow-up to the Action Day, ensuring that the success of the Action Day is translated into political momentum. Apart from informing and mobilising Members of the European Parliament, ECA met the Transport Commissioner's Head of Cabinet, the Commission's DG TREN and EASA officials to generate a political signal by the EU Institutions that FTL is a crucial safety issue that needs priority attention and swift drafting of science-based rules.

The FTL Working Group (WG) had been very active in 2009 with 4 meetings between Feb. and Sept., supported by the FTL Steering Committee that took care of the everyday management of FTL issues and tasks. The WG's experts regularly discussed the implementation of Subpart Q in their countries as well as new regulatory developments. The Working Group developed several documents, incl. on the calculation of FDP, an analysis of the airlines' arguments against the Moebus Report, and a Subpart Q amended in line with the Moebus Report's recommendations. They also contributed to the development of messages for the European Action Day on FTL.

As already in 2008, ECA supported its MAs in some derogation cases, such as the derogation sought by EAT/DHL in Belgium. Together with the Belgian Cockpit Association (BeCA), ECA co-authored several letters to the Belgian and EU authorities, to ensure this derogation results in safe operations. In Oct. the Commission approved the EAT/DHL derogation. Since then, ECA continued to support BeCA in their advocacy work at

national level. – ECA also prompted the EU Commission into investigating some irregularities in the derogation granted by the Belgian Authorities to Brussels Airlines, and drew EASA's attention to inadequate resources in the Belgian Authorities.

Finally, ECA promoted its FTL safety messages towards the press, by issuing 10 Press Releases between Jan. and Oct., as well as numerous Cockpit News articles on pilot fatigue.

3.2 Trans-National Airlines & Collective Bargaining

The aviation industry evolves quickly, and to face the challenges brought by the collapse of financial markets, the airlines have accelerated the processes of consolidation. Companies now have operational bases in several countries; typical examples are Air France-KLM, easyJet, DHL, or soon BA-Iberia. Whereas European Countries have agreed to let the European Union have competence to integrate and harmonise the economic markets, social laws and labour issues have been left behind at national level. ECA and its Member Associations' long-term aim is to ensure that appropriate social and labour laws are put in place.

In the absence of such measures, ECA had developed tools to unify, organise and represent pilots of the same 'Trans National Airline' (TNA), such as the 2006 "TNA Convention".

In 2008, ECA and five of its Member Associations (MAs) joined forces to prepare the 'easyJet Pilot Group' agreement, aimed at organising the representation of easyJet pilots based in UK, Germany, Spain, Italy and France. ECA worked towards ensuring that this representation can be effective and in accordance with the scattered European legal context. In 2009 the MAs put a lot of effort in order to have this agreement working. Overall the organisation works well and some fine tuning measures are being implemented.

The recent experience of British Airways' pilots after their intended strike action has

shown that rulings by the European Court of Justice can have different outcomes than expected and be far from labour friendly. ECA and its MAs started developing a strategy to better lobby at both European and national levels and to ensure that collective and effective representation of pilots can be delivered across Europe.

Besides these activities, the ECA TNA Working Group met twice, identifying the TNAs in Europe and monitoring their developments. This allows the organisation to identify best and worst practices. This pragmatic tool is important to decrypt and address managerial policy.

3.3 Industrial Working Group

In August 2009 ECA re-launched its Industrial Working Group. It encompasses the activities that previously fell under the RegMed working group as well as the activities dealt within in the former IND WG. The first meeting was successful in terms of content and participation. The main concerns raised by the MAs are the lack of volunteers involved in Union work and the tendency of some Member States to weaken legislation of unions' representativeness. The working group is looking at the concrete actions which can be undertaken to improve this situation. Some other important items were addressed, such as the relevance of seniority lists, how to approach a TNA situation, how to draft a CLA etc.

3.4 Power of the Argument & Argument of Power

In 2009 ECA continued the discussions on how to support the day-to-day advocacy work of the Association – based on the “power of the argument” with concrete actions – adding the “argument of power” (AOP). A working group compiled the best practices of pilot associations around the globe. The AOP working group presented its work to the ECA Conference in February. The representatives from the Member Associations gave their final comments which permitted the working

group to finalise a strategy document for ECA actions.

Later in the year, the working group was enlarged to act as campaign committee for the Second European Action Day (see next chapter). The previously held discussions proved to be very useful when confronted with the need to organise a concrete action. The Campaign Committee met three times between the end of the summer period and the 5th of October, monitoring closely the practical preparations for the Action Day.

After the 5th of October the working group will meet again to evaluate the campaign to adequately prepare comparable actions in the future.

3.5 European Action Day

On 5 October, ECA and its Member Associations organised the 2nd European Action Day on FTL together with the Cabin Crew members of ETF (European Transport Workers' Federation.)

Actions took place in 25 European countries; hundreds of pilots and cabin crews in uniform organised demonstrations at airports and at the European Institutions. Participants distributed over 50,000 bogus tickets designed by ECA. These tickets aimed at warning passengers that inadequate European limits on flying hours could put their lives at risk.

The 2nd European Action Day was a stunning success across Europe. The action was a combination of a centralised event in Brussels and local actions prepared by European pilot and cabin crew associations and coordinated centrally by ECA. In total, almost 2000 pilots and cabin crew participated in the event, with a clear and straight forward message: EU fatigue rules need to be swiftly changed into science based laws.

The Action Day had a big impact; on the public – who showed great interest in aviation safety -, on the Members of the European Parliament Transport Committee (who were meeting on that day), on the Commission and EASA, as

well as on the media, who attended our press conference and took the time to understand the important safety issues at stake. Even though fatigue is a complex and technical topic, hundreds of articles and podcasts in many European languages reported the event. It was also reported upon in the USA and other countries outside Europe. Links to these articles and pictures of the event can be found on the website www.dead-tired.eu.

4 Technical Issues

4.1 Flight Data Working Group

The Flight Data Working Group met in December 2008, July 2009 and had a co-chairs coordination meeting in October for its upcoming meeting in December 2009. Over the past year the group has closely followed the Commission's developments on the revision of the accident investigation directive (1994/56). Unfortunately the Commission did not convene the four specialised working groups on the key areas for revision: just culture, gap analysis between ICAO annex 13 and the accident investigation directives, a system for safety recommendation and follow-up procedures and lastly centralised EU functions.

The Commission felt that there had been ample consultations to do this further work in-house. As a result, the Commission redrafted the revision of the directive in house. The only consultation that took place was informal, with no real scope to accommodate comments. On 29 October 2009, the Commission eventually published its revised document, a draft Regulation for co-decision adoption. The ECA team set about reviewing the document and defining an advocacy strategy for the Member Associations, to be presented in the near future.

Among other actions, the Flight Data Working Group followed the development of a Just Culture Charter and related guidelines. This work was drafted in a dedicated Social Dialogue Sub-group for Just Culture. It included actors from the employer and employee sides of the ANSPs, Operators and Airports. The aim

of the Charter was to demonstrate the commitment of the aviation industry to improving safety reporting, for the attention of the European Commissioners for Transport and Justice. The document was presented to the Commission in June 2009.

Eurocontrol has long had a dedicated Just Culture Task Force which includes participants from the judicial side. The group is due to meet for the third time on 10 Dec. Eurocontrol has two new staff members who are working also part-time for the Flight Safety Foundation to develop relations with the judiciary throughout Europe. ECA is associated to this work.

ECA also followed the events surrounding recent air accidents (e.g. Spanair in Madrid, the Turkish Airlines at Schipol, the Air France 447, the Tuniter Ditch in Palermo, the Helios crash near Athens, the Aberdeen Super Puma, etc). Actions included press releases and liaison with the relevant Member Associations to provide assistance and support, where necessary.

In the aftermath of AF447 accident investigation, ECA learnt about a BEA "flight data recovery initiative". ECA identified this international working group as very important and handed over to IFALPA Accident Analysis and Prevention Committee (AAP) and ECA Executive Board to request to participate. The first meeting took place in October. It will be followed by a second 3-day meeting in Montreal in November, to assess the feasibility of better flight data recovery devices or new techniques (such as data streaming). One IFALPA representative and one ECA rep will attend.

ECA continues to assure a presence at the ECAC (European Civil Aviation Conference) Accident Investigators twice-yearly meeting. ECA attended the last meeting in Riga in May 2009, and will attend the next meeting in Lisbon in November. This group continues to be considered *the* expert group on Accident-related issues for the EU and it develops the Community position for the ICAO (International Civil Aviation Organisation) meetings.

Work is still ongoing to conclude a flight data protection document with the Association of European Airlines, within the context of the European Social Dialogue.

ECA continues to represent the pilot position on just culture, occurrence reporting and accident investigation in various safety discussions (such as the Industry Consultation Body, the EASA Advisory and Management Boards and ECAST – European Commercial Aviation Safety Team).

4.2 Security

The European Commission finalised the implementing legislation for the Security Regulation. Recent meetings of the Stakeholder Advisory Group for Aviation Security (SAGAS) showed the complexity of security matters and the difficulties in obtaining progress in this area.

Despite intense lobbying from ECA and the support of the Commission; the Member States and the lobby of airports and airlines succeeded in postponing the introduction of a harmonised crew ID. The same applies for a chapter on “in-flight security”. The reason is that the Commission needs to adopt the Implementing Legislation before April 2010 and discussions on these complex issues were delaying the whole process. In September, the ECA Security Working Group decided to start anew its advocacy on these areas to put them on the agenda of SAGAS and ECAC next year. It was also agreed to ask IFALPA to promote the adoption of a Crew ID with biometrics as a world standard.

ECA also participated in the European body scanners task force. A paper on the risk for crews’ health from backscatter scanners was addressed to the Commission.

The Security Working Group decided to write an ECA Security Manual that will compile all IFALPA policies and ECA positions for every EU Security requirement. This work will allow ECA representatives attending external meetings and national experts talking to

their authorities to know the pilots’ position. The working group started this task in September which will require significant resources in terms of experts’ involvement.

Furthermore, the Security Working Group contributed to the ECA comments on EASA NPA 2009-02 (OPS) on the Security-related chapters. ECA together with the other Stakeholders insisted on the concentration of all security requirements in a single legislative text, i.e. Regulation 300/2008. This implies that the security chapters of the OPS NPA should be deleted to avoid duplication and potential conflicts of laws. Some comments were drafted in case EASA does not follow the ECA / common industry position.

ECA monitors with growing concerns the developments in NATO-EUROCONTROL regarding the interception of airplanes and the on-life recording of flight data for security purposes. ECA intervened in the EU-Israel negotiations for the conclusion of an air transport agreement to denounce the Israeli positive identification code policy.

4.3 Single European Sky (SES)

4.3.1 General Developments

The European Union endorsed the SESAR ATM Master Plan in November 2008. Thereafter, a positive vote from the European Parliament (March 2009), and the endorsement of the EU Transport Ministers, ratified the far-reaching Single European Sky second aviation package in March, with the launch of the SESAR programme following in June 2009. After months of efforts, all parties started work on delivering the promise of a “Single European Sky”. The SESAR Master Plan will steer the work and the project support office at the SESAR Joint Undertaking will manage and coordinate the process (taking the Eurocontrol contribution under its wing). 30 projects have been launched across 16 work packages and accompanying horizontal tasks. In total 124 projects are due to be launched in 2010. New SESAR components and operational procedures will be gradually implemented between 2012 and 2020.

The ATM Masterplan has 3 implementation packages referred to as IP1, IP2 and IP3. The first package concerns projects that have been managed by Eurocontrol and are ready to deploy. The latter two packages are research and development actions. There was much discussion about who would in fact pay for the deployment of IP1, as many of the ANSPs and airlines argued their further investments in SESAR would be compromised if they spent their money on the deployment actions. There was a danger that the SESAR project would not have enough funds for completion. Governance discussions ensued and were taken up by the stakeholder consultation bodies in Eurocontrol and the European Commission (Industry Consultation Body - ICB), where a satisfactory outcome has yet to be delivered.

EASA's new role in Air Traffic Management (ATM) was made official in July 2009 with the extension of its Basic Regulation to ATM and Aerodromes.

4.3.2 ECA's Role in SES Developments

Throughout the year, ECA has closely followed and contributed to the intensive work of the Industry Consultation Body (ICB). The Economics Task Force (ETF) finished its work recommending that the Commission consider substantial support to ATM under the Trans-European Networks for Transport. ECA participated in the plenary sessions and the institutional subgroups while keeping a watching brief on the other subgroup activities. The main topics of discussion were the conclusion of the ICB position on TEN-T funding for ATM, EASA's role in ATM and the governance of Implementation Package One.

ECA also put much effort into coordinating positions with the professional controller and engineer staff organisations in the context of the SESAR Joint Undertaking (JU) and the professional staff presence in the SESAR JU Administrative Board (JUAB) as well as the ICB. Moreover, ECA, IFATCA, IFATSEA and ATCEUC have continued their coordination and pre-JUAB coordination meetings. Currently the

group of four are working on a common ATM 'Vision' as well as rules of conduct, which will serve as guidelines for the staff representative in the JU. ECA had recognised that a global pilot vision on the Future of Air Traffic Management is necessary to guide our representatives in this field and has therefore put forward a proposal to the IFALPA ATS Committee, which has made considerable progress towards a global pilots vision. In this process, it was recognised that the technical developments have a far reaching effect on the pilot profession. Therefore the scope of the document had been extended to provide a vision on the future of Air Navigation. With input requested from other IFALPA Committees, a mature version of this vision document is expected to be endorsed by the 2010 IFALPA Conference and can thereafter be used by ECA as guidance in European matters.

ECA has also followed the developments in the ATM Social dialogue arena. It has kept a watch on the developments within the Just Culture subgroup.

4.4 EASA – Current Status

In 2009, EASA received another two new mandates, Air Traffic Management (ATM) and Aerodromes, following a further amendment to its Basic Regulation in July 2009. This followed a positive vote in the European Parliament in March and the backing of the EU Transport Ministers in support of the Single European Sky's second aviation package. The third pillar of the package concerns safety, and EASA's new responsibility for ATM and aerodrome safety. This will now make EASA responsible for ensuring that any technical solution, concept, equipment, personnel or organisation involved in civil aviation works safely.

EASA also continued its intensive work on the preparation of the implementing rules for Operations and Licensing (see next chapter). The Agency was overwhelmed with the order of responses (i.e. 29,000 industry comments to 4 major NPAs) to its proposed implementing rules on operations and flight crew licensing rules consultations. The European Commission

stepped in to assist with revising the approach during the summer 2009.

The outcome, in Sept. 2009, a joint Commission/ EASA approach, has served to streamline the comments, sticking as close as possible to the existing rules and providing transition periods for implementation. This restructured approach reflects ECA's concerns and demands, while the revised draft rules are eagerly awaited. ECA, through the TLO working group and its internal team, has worked extremely hard to communicate the pilots' concerns over the initial proposals which were considered 'unworkable' rules by ECA and the majority of interested parties.

Concretely, the change in the structure of the Air Operations proposal will include dedicated sections for different types of operation. It also agreed to a phased publication of Agency proposals, giving priority to Flight Crew Licensing and Commercial Air Transport (CAT). The CAT proposal will also contain specific provisions for Flight Time Limitations based on Regulation 1899/2006 ("EU-OPS", Subpart Q), operational experience and current research. Transition phases of 1-2 years will allow Member States and industry to adapt to the new rules. The Agency is also committed to a streamlined comment review process which highlights the changes in the regulatory text and guidance material.

All EASA opinions related to the first extension will be published by mid-2011 so that the respective Commission regulations can be adopted by April 2012. The implementing rules for the second extension shall be adopted by the end of 2012 (Air Traffic Management/Navigation Services) and 2013 (Aerodromes) respectively.

The EASA Advisory Board (EAB), of which ECA is an active member, met four times in 2009. A new Chair was elected from the Association of European Airlines and ECA staff member Fiona Mc Fadden was elected as Vice Chair to the Board in February together with a second Vice-Chair from Airbus. This election has afforded ECA a standing position on the EASA Management Board (MB).

Furthermore, the board welcomed two more sectors. CANSO (Civil Air Navigation Services Organisation) and IFATCA (International Federation of Air Traffic Controllers' Associations) were invited to join the EAB, as well as ACI (Airports Council International).

The bulk of the work in 2009 focused on the EAB's relationship with the MB and the Agency. A renewed presence was seen in EASA working groups (e.g. Régis Fusenig attended the EASA Budget Committee, renamed as the FABs Committee, on behalf of industry). Also, the new MB chairman created a twice-yearly dialogue between the Executive Director, the MB Chairman and the EAB core team, including ECA. It also continued to examine the revamp/restructuring of the Agency's fees and charges regime.

One of the biggest changes at the EAB in 2009 was the Board's reinforcement of its position at the MB. The EAB now meets a week in advance of the MB, to prepare its positions to the MB papers. At the MB in June 2009, an extra day was set aside to 'brainstorm' on an EASA safety strategy and its role in environmental policy. ECA, in its capacity as Vice-Chair of the EAB, organised the industry response to the proposed EASA safety strategy.

As a consequence of the MB discussions, an EASA Safety Advisory Committee has been established, and two industry seats have been secured on this body. Régis Fusenig (ECA Technical Executive Board Director) and an AEA representative were elected to represent industry on this Committee. The committee had its first meeting in mid October. Its first task is to prepare EASA's position for the ICAO Safety Conference in March 2010.

The EASA Safety Standards Consultative Committee (SSCC), where ECA is represented, has held two meetings during 2008 and 2009 consecutively, including also workshops on Safety Management Systems (SMS) and progress of the Flight Crew Licensing (FCL) and Operations (OPS) NPAs. There was also a meeting on the Rulemaking Process review, which turned out to be addressing future SSCC composition. The Sub-Committee on Flight Standards held an additional meeting in

March 2009 to address the Regulatory Impact Assessment and the Rulemaking Programme for 2009.

The future role of the SSCC is becoming more and more doubtful, as EASA tends to solve rulemaking issues at EAB-level. In addition, the creation of several dedicated advisory groups, namely the Operations group with airline representatives only, moves the essential discussions away from the SSCC.

Future challenges for the SSCC will be to manage the extension of scope for ATM and Aerodrome, with a new structured membership. EASA intends to re-establish the SSCC now bottom-up, nominating only Sub-Committee members, who then in turn elect a Chair and Vice-Chair. These two plus one additional Sub-Committee member will be allowed to attend the full SSCC meeting. ECA and most SSCC members have voiced their concern on that proposal. Such a membership would not allow a stakeholder to provide input into more than one Sub-Committee, restricting for example ECA to only one member for the Flight Standards Sub-Committee.

EASA's rulemaking team has embarked on drafting the new implementing rules for ATM. After two years of requests from ECA, EASA has eventually recognised the role of the pilot in ATM, accepting an ECA representative in this work, who will assist EASA in the drafting of rules for ATM Service provision and personnel licensing. The creation of 'ATM Systems' rules has been put off until a second phase.

The ECA SSCC representative, Hans Ulrich Raulf held the position of Chairman of the Flight Standards Sub-Committee until 2009. In anticipation of his retirement from union work at the end of 2009, ECA has nominated Martin Alder from BALPA (British Airline Pilots' Association) as his replacement.

4.5 Training, Licensing & Operations

The Training, Licensing & Operations Working Group (TLO WG) has been extremely busy, meeting five times in 2009, for a total of seven working days. Its

work has been focused on commenting on the EASA Notices of Proposed Amendments (NPA) (e.g. in the area of Operations (OPS) and Flight Crew Licensing (FCL)) that were published in 2008 and 2009. The ECA experts worked on five NPAs, gathering a total of more than 1100 comments. ECA was able, with the commitment of its experts, to work towards improving the proposed future rules at higher safety levels.

In Licensing, the Working Group worked on two NPAs (NPA 17 and NPA 22) that had been published in 2008 and whose deadline for consultation was in the first trimester of 2009.

The main focus was put on the NPA 2009-02, so-called 'NPA OPS', which was published at the end of January and the end of the comment period was on 31 July. ECA experts reviewed more than 1000 pages and made more than 700 comments for this single NPA, under the remarkable leadership of Stefan Wolf (ECA TLO WG Co-chairman for OPS).

Despite the huge work that has been carried out regarding these NPAs, the process is not finished yet and more is coming. Already now, ECA experts are involved in the FCL review process. ECA is closely monitoring the developments concerning the NPA process in EASA and the way the pilot comments will be taken into account in the joint approach for rulemaking that the European Commission and EASA presented in September 09 (see above).

4.6 Eurocontrol

Due to the heavy increase in workload at EASA and the creation of the SESAR JU, ECA faced resourcing issues with regard to attendance at EUROCONTROL meetings. ECA's Air Traffic Management & Aerodromes (ATMA) team nonetheless ensured presence in a number of key areas, e.g. Air Navigation, Datalink, Aerodrome Operations, NATO / EUROCONTROL ATM Security, etc.

EUROCONTROL's restructuring process has seen the creation of a new area, collaborative network design (CND),

designed to streamline the agency's activities under the SESAR programme. EUROCONTROL, as one of the founding members of the SESAR Joint Undertaking, will provide its funds and in-kind delivery to the SESAR Joint Undertaking making full use of its new CND framework. The CND consists of a regulatory unit, a network unit, and a reorganisation of the previous ATM programmes under a more horizontal structure.

ECA continues to be consulted on all opinions prepared by EUROCONTROL to be submitted to the Commission either directly or via the Industry Consultation Body. It keeps in close contact with EUROCONTROL through its Air Traffic Management and Aerodromes Working Group.

EUROCONTROL and EASA have developed a Roadmap for the hand-over of the ATM safety competences to the safety agency. This signals the transferral of the Safety Regulation Commission's dedicated unit in EUROCONTROL to EASA. ECA will be involved in the approval of this roadmap through its presence at the EASA Management Board.

Furthermore, the preparation of the future ATM implementing rules will be done by EASA. ECA also has a representative here. The rules will be opened for consultation in 2010-2011. EUROCONTROL is also closely involved in this work.

4.7 ECA's Air Traffic Management and Aerodromes WG (ATMA)

The Air Traffic Management and Aerodromes WG (ATMA) met in February 2009, with its next meeting planned in March 2010.

The group's two hot topics continued to be the implementation of the second package of the Single European Sky (SES) and the revision of EASA's basic regulation to accommodate Aerodromes and ATM. Also, further work on the global interoperability of the regional contributions to the future skies – SESAR in Europe and NEXTGEN in the US – was done. ECA and US ALPA teamed up to

invite the representatives from SESAR and NEXTGEN to the IFALPA Air Traffic Services Committee in Las Vegas in October 2009.

The Working Group also invited the head of operations in the SESAR Joint Undertaking to present the future operational concept of the SES. The SESAR JU agreed to create a 'staff' contract to have a pilot expert attend technical meetings at the SESAR JU to refine the future concept of operations which will be implemented post 2020.

The administrative board of the SESAR JU also has a staff representative present. This seat is held – by agreement of four Professional Staff Organisations – by IFATCA for the time being, with a handover to the European controller group ATCEUC in December 09. This representative also represents the pilots' interests in the development of the system.

In the Aerodrome area, ECA has ensured a presence at various events, including a workshop in Charles De Gaulle Airport on the use of runway status lights. The revision of the European Action Plan for the Prevention of Runway Incursions is also an action underway in the Working Group.

In March 2009, a core team of ATMA members visited EASA, along with IFATCA and IFATSEA representatives. The objective was an 'induction' day to expose experts to EASA. The majority of the 13 strong participants had not yet had dealings with the safety agency and EASA 'approach' to rulemaking.

These topics, along with the general overview of work at Eurocontrol, EASA and the Commission's ICB have been the mainstay of the ATMA activity in 2009.

4.8 Unmanned Aerial Vehicles (UAVs)

ECA continues to accompany the development of rules for the introduction of UAVs into non-segregated airspace. In this regard the work with EUROCAE

Working Group 73 has been intensified, where ECA is represented.

This working group develops a code that might be the basis for certification and operation of UAVs, as well as qualification of the UAV-pilots. The operational view of airline pilots in this WG is highly appreciated by the industry. The ECA expert was assigned to chair the work for task 1.6: "operational approval aspects, pilot training".

4.9 Helicopters

Although the majority of ECA members are airline pilots, ECA is also the representative of helicopter pilots at European level.

ECA has been represented in the EASA EHEST (European Helicopter Safety Team) and its sub-teams from its creation in 2006 and continued its work in this group in 2009.

Moreover, the ECA Executive Board acknowledged the need to become more actively involved in better coordinating the work to improve helicopter safety. Therefore, a first meeting of ECA helicopter experts was held in September. The team looked at ways to organise the safety work of helicopter pilots in Europe and to structure the work efficiently. In September, ECA attended the IFALPA annual Helicopter Committee meeting in Montreal. At both meetings, the shortage of helicopter pilot volunteers able to spend time carrying out the work in this area was stressed.

The helicopter experts also commented on the EASA NPA 2009-02 (OPS NPA). One of the main issues was the exclusion of SAR (Search and Rescue) and fire-fighting operations (SAR is currently regulated by the SOLAS Convention (Safety of Life at Sea)) from the rules.

A lot of work is expected in the near future. The ECA helicopter experts are looking into a list of 'Top ten' issues that should be dealt with in priority, among others the need to have harmonised safety rules for helicopters in Europe.

5 Organisational Issues

5.1 ECA Structure & Board

2009 was the fourth year that ECA worked under a streamlined organisational structure, with a small Executive Board and specific competences assigned to each Director. Since the last General Assembly, four ECA Conferences have convened ECA Member Associations, in Brussels (Feb.), New Zealand (March), Brussels (June) and Budapest (Nov.).

Based on this structure, ECA has been proactive in representing pilots' interests in the EU. The 'engine' of this activity is the Executive Board, meeting almost every month in Brussels for at least two days.

At the November 2008 Conference, ECA members elected a new Board Director for Professional Affairs, Joe KRAUS (from the Czech Republic), a new Technical Affairs Director, Regis FUSENIG (France), and re-elected Martin Chalk (UK) for another 2-year term as ECA President.

At the ECA Conference in November 2009, four of the seven Executive Board Directors are up for (re)election:

- Vice-President (currently Henk DE VRIES - Netherlands)
- Professional Affairs Director (currently Fran HOYAS - Spain)
- Technical Affairs Director (currently Heinz FRÜHWIRTH - Austria).
- Administrative and Financial Affairs Director (currently Timo ECKARDT - Germany).

5.2 ECA Enlarges Further

This year, ECA continued its growth in terms of pilots and national associations represented. At its Nov. 2008 Conference, ECA welcomed into full membership two new members:

- Association of Airline Pilots in Bosnia and Herzegovina (ALPAB)
- Association the Montenegrin Airline Pilots' Association (MonALPA)

This brought ECA's total membership to more than 38,200 from 36 different countries in Europe. In November 2009, ECA expects the pilot associations from Romania (full membership) and from Ukraine (associate membership) to join the Association.

5.3 New ECA Staff

Based on a decision by the ECA Conference in Feb. 2009 to strengthen our presence in the technical area, ECA launched a recruitment process for a second senior Technical Policy Advisor. In September, Kris VAN DER PLAS, a Belgian engineer joined the office team, increasing the ECA staff to 8. In the autumn Kris gradually took over responsibilities for EASA, its rulemaking on OPS, Licensing and related issues, as well as new responsibilities in the area of Flight Time Limitations.

Since September, some of the Secretary General's administrative / organisational management tasks have been taken up by Ignacio PLAZA – who will also spend more time on his role as Legal Policy Advisor. At the same time, some other policy dossiers have been redistributed within the office (Security = Céline CANU, Flight Data = Fiona McFADDEN).

5.4 Cooperation with IFALPA

Since the signature of a comprehensive Protocol of cooperation between ECA and IFALPA (International Federation of Air Line Pilots' Associations) in 2006, and building on their close relationship since their 2003 agreement, in 2008/09 both organisations continued and further deepened their cooperation in many areas.

IFALPA held its regional meetings (Europe) in conjunction with the ECA Conferences; updates were given about Annex 19 as well as on industrial matters. Wherever possible, ECA Board Directors and Policy Advisors attend IFALPA's Technical and Professional Committees,

as well as IFALPA's well-renowned Negotiations Seminars.

On an institutional basis, ECA Vice-President, Henk de Vries, acted at the same time as IFALPA Executive Vice President (Europe) and provided a close link between the ECA and IFALPA Executive Boards.

5.5 ECA Working Groups

ECA's Working Groups (WG), which consist of the Member Associations and their experts are the organisation's primary tool for developing ECA's day-to-day content-related work.

5.6 ECA Communications & Website

In 2009, ECA started to implement the Communications Strategy that had been prepared in 2008 but more work will be coming in 2010.

ECA also organised two press conferences. In June, ECA held a press conference to raise its concerns regarding the 2nd stage of EU-US negotiations on air liberalisation.

On 5 October, following the 2nd European Action Day, a second press conference was organised that was very successful. ECA managed to raise awareness about the potential negative safety impacts of the future Flight Time Limitations rules.

In 2009, ECA continued to issue its monthly short and concise news bulletin – the Cockpit News. This bulletin is also available on ECA's website in high-resolution PDF and text format. Several Member Associations post it on their sites and include it in their news magazines.

The redesigned ECA website, www.eurocockpit.be, went online at the beginning of the year. This featured a complete redesign, improving site navigation, and an overhaul of the content, making comprehensive information on ECA's activities easily accessible.

This was followed in April by improvements to the backend, or "behind-the-scenes" part of the website, updating the platform used and thereby increasing stability and the scope for new functionality.

A specially-developed new website, www.dead-tired.eu, was created for the October 5 European Action Day on Flight Time Limitations (FTL). It received more than 30,000 page views in October alone and will continue to be used as an important communication tool for ECA's position on FTL.

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