



**2019**

**Annual Report**



# Punching above our weight

**by Capt. Jon Horne, ECA President**

In the blue and white corner: weighing in with only ten staff, and wearing a very tight budgetary belt, it's... the EUROPEAN COCKPIT ASSOCIATION!

In... 'whatever the most convenient regulatory corner at the time' is: under the weight of an almost unlimited lobbying budget, and attended by more staff and managers than they know what to do with, it's... the vested corporate interests of Europe's aviation industry!

And yet... the effect ECA has had on aviation regulation, politics

and employment in the past year has been staggering. In the face of overwhelming commercial interests and some of the most aggressive players in the European aviation industry and beyond, we have truly punched well above our weight.

I am proud to be part of this profession, one of the few left with an independent public safety mandate, and even prouder to see ECA working so effectively on our profession's behalf.

You will read in this report how, despite its small size and shoestring

budget, ECA's dedicated staff and representatives have fought for the pilot profession on multiple fronts, and with results that others in our industry look at with envy.

Whether it be securing the systematic attention of combined labour inspectorates and national authorities on dubious and unsafe practices for engaging pilots, or having our professional concerns at the centre of scrutiny of flawed airliners and the regulatory capture that enabled them, ECA's positive influence on our industry this past year has been immense. Be certain

## Bloomberg

Business

# Pilots Ratchet Up Pressure on EU Regulator to Be Tough on Boeing

By Benjamin D. Katz

May 22, 2019, 12:23 PM GMT+2 Updated on May 22, 2019, 1:43 PM GMT+2

- ▶ EASA urged to assert watchdog role in vetting revisions to Max
- ▶ Lobby group also concerned about oversight of revamped 777

European pilots stepped up pressure on the region's air safety agency to take a strong stance in vetting U.S. plans to return Boeing Co.'s grounded 737 Max to service after two fatal crashes.

The European Aviation Safety Agency needs to restore confidence of air crew, according to the pilots' union, which urged more training on revisions to the

## FLIGHT SAFETY FOUNDATION

FITNESS FOR DUTY, AVIATION MEDICINE

# Problematic Substance Testing

by Mario Pierobon | June 19, 2019

"In the early days, it was only alcohol testing because it was readily available," said Uwe Harter, board member for international affairs at the European Cockpit Association. "Nowadays, oral fluid testing is more commonly used by airlines. The crewmember is required to provide a sample before starting their duties. If there is an indication of impairment, the pilot is removed from the cockpit and then there is an indication that the pilot is fit to fly."

Ryanair Holdings PLC + Add to myFT

# Ryanair's clampdown on pilot sick leave draws criticism

Airline sends letters threatening disciplinary action over repeated absenteeism

Donato Paolo Mancini and Tanya Powley in London SEPTEMBER 23 2019



Ryanair has been criticised for threatening disciplinary action against pilots who have taken more than four bouts of sick leave in a year, a further flashpoint in the low-cost airline's fraught labour relations.

The European Cockpit Association, which brings together 36 national pilots' unions, has raised concerns over the approach to sick leave with the European Aviation Safety Agency. In June, the Ryanair Transnational Pilot Group, formed to provide a voice for pilots across Europe, sent an update to members saying it was aware that letters continue to be sent.

"Any airline that puts an arbitrary limit on how many times or days its pilots can get sick is playing with fire," said Philip von Schöppenthau, secretary-

## The New York Times

# Airlines Try New Ways to Build Pilot Ranks



Referred to as pilot "selection by wallet size" in a 2018 position paper by the European Cockpit Association, training costs remain a troublesome issue in much of the world. Before they opened their cadet schools, American and JetBlue partnered with financial institutions to provide loans of up to \$90,000, which would cover training. The loans are gradually paid back once pilots are working.

THE NEW YORK TIMES

# Signed off, the Boeing control system with 'fatal flaw'



Jan Horne, president of the European Cockpit Association, which represents pilots, said: "It is difficult to imagine how the FAA could have detected the errors in the Max system under the regulatory setup that was running."

Discover Thomson Reuters



Business Markets World

# EU agrees to drop restrictions on leasing of U.S. crewed planes

Low-cost airline Norwegian Air Shuttle (NWC.OL) previously faced criticism from the European Cockpit Association, which represents pilots, for employing crew members from Thailand.



– without ECA’s focussed energy and activity behind the scenes, many major issues in our industry would have turned out differently.

We have been able to ensure that the legislation and treaties that impact employment conditions and related safety issues have been strengthened to give protection, or pushed away if flawed – you will see the work done on social impacts in the EU-Qatar air transport agreement (amongst others still ongoing), and in making the legal foundation for air service provision, regulation 1008/2008, open to improvement. You will see ICAO’s multilateral air service agreement being “kicked into the long grass” after many European and allied states all came to see the threat of instant liberalisation, flag of convenience enabling, and de-regulation for what it was.

We have continued assisting pilots from transnational airlines cooperate better. With a powerful incentive from employers to keep pilots at arms length through contrived layers of corporate structure, and salami sliced into isolated national groups that can be played off against each other, it is all too easy to retreat under cover of national interests or ‘sovereignty’.

Against this background, enabling pilots with a single ‘controlling mind’ employer to unite and support each other can be demanding, intensive and an occasional rollercoaster ride. But where we help pilots get this right, the results can be transformational.

We have been sought out as one of the most serious and trusted voices in the industry by the media as a result of our credibility and expertise. This has meant ECA’s pilot voice and

view being covered in major press outlets throughout the year, including the Wall Street Journal, New York Times, Politico, the Financial Times, Bloomberg, Reuters and The Times of London. For an organisation of our size to be shaping the news agenda in our sphere like this is an incredible achievement.

With big issues to come in the following years to add to this – science based environmental sustainability for aviation, reduced pilot operations, and the spectre of regulatory capture and greater de-regulation – you will see in this year’s report that you can have confidence and hope with ECA fighting the profession’s corner, whether it’s up against the political heavyweights, or the dirty fighting brawlers at the bottom of our industry!



**Jon Horne**  
**President**



**Philip von  
Schöppenthau**  
**Secretary General**

**Otjan de Bruijn**

**Vice-President**



**Sarah Kamer**

**Industrial Policy  
Advisor**



**Alessandro De Blasio**

**Professional Affairs  
Director**





**Karine Gély**

**Professional Affairs  
Director**



**Rosella Marasco**

**Policy Advisor**



**Kristína Gírethová**

**Policy Advisor**

**You?**

**You have ideas about the future of European aviation? You want to drive change, enhance safety and improve conditions for pilots? This is your place & time to shine! Join one of our **working groups** and get a chance to influence aviation policy at the highest level in Europe!**



**Tanja Harter**

**Technical Affairs  
Director**



**Paulina  
Marcickiewicz**

**Technical Policy  
Advisor**



**Arik Zipser**

**Technical Affairs  
Director**



**Loïc Michel**

**Technical Policy  
Advisor**





**Kameliya Encheva**  
Communications Officer



**Aurelija Gackaitė**  
Admin Assistant

**Clemens Kopetz**

Admin & Finance  
Director



**Ignacio Plaza**

Deputy Secretary  
General



**Anna Hagemajer**

Office Manager





# Tick tock, tick tock...

## **Night duties and disruptive schedules are the main culprit for fatigue among European pilots. Can EASA be moved to change the FTL rules now?**

In March 2019, three years after implementing new Flight Time Limitations (FTLs) to harmonise fatigue rules in Europe, we can officially announce that they have achieved at least part of their task: harmonising. The FTL rules seem to have successfully harmonised high fatigue levels across Europe and the first scientific proof of that is on the table now.

An [EASA commissioned study](#) found

high levels of pilot fatigue especially in the cases when flight schedules disrupt the pilot's body clock.

Night flights, as well as 'disruptive schedules' that include very early starts and late finishes fall under this category. The study comes to a conclusion which pilots and scientific researchers have reached many years ago: replacing the hours your body needs to be asleep with the task of piloting an airplane carries a very high fatigue risk.

This finding is significant as it is the first time that EASA recognises the flaws of the rules. ECA therefore urged both the EU Commission and

EASA to act swiftly upon the results of this study.

We have rolled up our sleeves and called for amendments to the EASA rules that would remedy the situation. We have also outlined provisional measures that could be introduced until any amended rules are in place. Making Fatigue Risk Management (FRM) work in practice, enhancing best practices, and boosting crews' Fatigue Reporting will have to be part of the package to address the study's findings.

Our message is clear: Not changing the EU FTL rules soon would mean sitting on a known & documented fatigue risk but doing nothing about it. The clock is certainly ticking for Europe's decision-makers now.



## Commander's Discretion explained

Commander's Discretion may seem like a simple rule: A Captain can decide to extend a flight duty by two hours or more in unexpected exceptional circumstances. But behind the apparent simplicity there is a complex logical web of rules and conditions for applying Commander's Discretion.

To help you untangle the mysteries of the CD rules, our FTL Experts delved into the depths of CD. The result was a simple (!) but thorough guidance paper listing the various DOs & DON'Ts that you need to know as a pilot. Our experts explain the underlying principle of cautious roster planning, the CD limits and ultimately who is the one to make the call about CD (clue: it's in the title).

This ECA guidance came after a high-profile case of fatigued crew refusing to operate under discretion. In the summer of 2018, a low-cost carrier fired cabin crew members when their Captain declined to extend their flight duty beyond legal limits. The bottom line is that some airlines see Commander's Discretion as a quick fix to poor scheduling and put pressure on their crew to go into discretion.

Alarmed, ECA alerted the EU Commission and EASA about the possible negative flight safety impacts, and insisted that the Irish Aviation Authority stepped in. The pressure on crew is now less explicit. But the dismissal had a lasting 'chilling effect', the latest in a string of negative perceptions about the airline's broader safety culture.



**ECA Spot-On Commander's Discretion, 2019**





Replacing the hours your body needs to be asleep with the task of piloting an airplane carries a very high fatigue risk

**Capt. Jon Horne, ECA President**



ECA  
Piloting Safety



European pilots & cabin crew

are experiencing 'unusually high levels of

**FATIGUE**

0:01 / 1:51



---

## **Tireless efforts against crew fatigue**

Over the past year we continued to contribute to the EASA Expert Group on Flight Time Limitations (FTL) and Fatigue Risk Management (FRM). With 3 of our most knowledgeable FTL experts, we put tireless efforts into having the FTL rules interpreted and applied in the safest possible way across Europe, despite their shortcomings. In the past we have seen the airlines' diverging interpretations of the rules and what consequences this has for crew.

This is where the EASA expert group comes into play. Through this group, we support EASA and National Aviation Authorities in their FTL interpretation and oversight.

The next thing on the group's agenda is a joint meeting with Member States expert groups on FTLs, helping to bring airlines, aircrew and national authorities on the same line.

# The 1008/2008 revision ball is rolling

1008/2008 regulates from the perspective of an airline with bases in one single country, providing air services from there to the rest of Europe and the world. That might have been how airlines did business 20 years ago or even 10 years ago, when the regulation entered into force. But this is certainly not how EU airlines operate today. The 'Principal Place of Business' – as the only place of business – model had been blown away by complex, impossible to oversee, business set-ups brimming with operational bases, very often crewed with atypically (self-) employed pilots and cabin crew.

The aviation internal market has developed rapidly and created rules to allow the free movement of business and workers. However, while transnational airlines take full advantage of liberalisation, the rules do not offer similarly proportionate opportunities and protections for transnational and mobile professions, such as aircrew.

Faced with this threat, ECA acted as one of the most vocal and active stakeholders seeking adequate revision of the rules and, most importantly, to build a 'social dimension' into it. Our experts have been actively trying to persuade decision makers to first assess why

and how the Regulation failed to function and then to establish what regulatory changes are needed. Our contribution and strategic approach to the revision finally found support and was reflected in a recent EU Commission Evaluation Report. Among the positive findings & conclusions in this 1008/2008 Evaluation Report we can find the following:

- » 'rule shopping' in the EU aviation market exists;
- » flight operations increased but employment rate did not due to high degree of outsourcing;
- » the social dimension of the internal market was neglected and



should be looked at;

- » enforcement of rules varies across EU and this led to unlevel playing fields between airlines;
- » the use of wet-lease as strike breaker is an issue and that EU States' commitments/obligations under ILO prevail over operational rules such as wet-lease.

The Evaluation Report is just one step but certainly an important step in the right direction. Now, the ball is rolling. We are providing comprehensive feedback to the EU Commission on the possible policy options for rule changes. And 2020 will bring the revision of the Regulation to our doorstep. Our vocal and skilled expert team will continue the dialogue with decision makers and actively seek a new regulation that provides 'socially responsible air connectivity' and serves both business and people.

**Regulation 1008/2008, also known as the 'Air Services Regulation' is the founding 'act' of the EU's internal – and fully liberalised – aviation market. It defines what an EU air carrier is and which rights and obligations it has when flying within the EU. It also regulates licenses, ownership and control requirements for EU airlines and wet-leasing just to name a few.**

# Bargaining power

TNA pilots may be falling through the cracks of woeful European transport regulations and labour laws, but they are certainly not falling off the ECA priority list. In the past year we continued to support existing Transnational Pilot Groups (TNA PGs) and provide much-needed assistance and strategic advice to their leaders. With hostile airline management and an ever-growing array of union busting techniques, TNA Pilot Groups need all support we can give.

After a successful TNA Seminar in June last year, we decided to organise a second, follow up event dedicated to TNA Pilots. The TNA Seminar in Amsterdam was the occasion to present the TNA Handbook, which provides an overview of the current legal and social framework in Europe, describes the current experience of transnational collective bargaining and cross-border negotiation in the EU (in aviation and other sectors) and provides a toolkit of templates, coordination tools and reference documents.



*ECA's Sarah Kamer and Otjan de Bruijn at TNA Seminar in Amsterdam*



In parallel, our day-to-day support of Pilot Groups continues. This year we are also better equipped to help TNA Pilot Groups with a new 'TNA Support Package'. It provides resources and manpower to aid various Pilot Groups in their communications, outreach and awareness raising efforts.

# TNA HANDBOOK 2018



TNA HANDBOOK

## Part 1

...s landscape & common

---

### OF THE TRANSNATIONAL SOCIAL DIALOGUE THE QUESTIONNAIRE

...nd construction towards more successful social dialogue, a  
...the status quo concerning employment and social dialogue  
...nsational context) in aviation is crucial. Upon ECA's  
...ted a research, which included a questionnaire for the  
...the (transnational) pilot groups and a qualitative research  
...give an overview of the results of this questionnaire with  
...research done in 2015 when relevant.

...was completed by 38 respondents, more than 50  
...d the questionnaire but ended before completion. We can  
...questionnaire was found too long by respondents, this was  
...the informal feedback. To assess the representativeness of  
...airline in our research we relied on data provided by the  
...online study, going for an average of 1 TNA representative  
...per Airline company. We cannot deem the data  
...the whole sector since the response rate does not allow that.

16

TNA HANDBOOK

## Part 2

...periences from

### nsational Pilot Groups

...transnational pilot groups experiences are alike. Each TNA pilot  
...has a different background, a different history, and a different type  
...engagement to deal with but as the following testimonies will show, one  
...is always central: unity. The breakthroughs that have been achieved  
...s when managements have sought to play pilots, their associations  
...entries against each other were possible because the workforce stuck  
...er as one family in union and solidarity.

...r important element should be noted from those TNA PGs that have  
...engagement with their management: it highlights the efficiency and  
...s of open social dialogue both for the workers and for the productivity  
...company. The time has come to embrace and recognise the benefits that  
...engagement with transnational pilot groups can bring in combination  
...tional pilot unions and associations.

60

# Highlights from PGs



The **Norwegian Pilot Group (NPG)** family welcomed a new member: Flyvebranchens Personale Union (FPU). During the ECA TNA Seminar in Amsterdam, Thilde Waast (President FPU) and Martin Stork (President NPG) formally endorsed their relationship for FPU to represent Norwegian's Boeing 787 Dreamliner pilots based in Denmark. NPG is currently working on updating their Master Seniority List and Binding Declaration and have also set up a Committee to look at interoperability, all in cooperation with the company. A new Master Executive Council was elected in summer 2019. In 2020 they will launch a revamp of their online presence through support of the TNA Support Fund.



The **CityJet Pilot Group Protocol (CJPG)** was signed in February in Brussels and the group is identifying topics for transnational implementation and coordination and have launched a member survey regarding the possibility of seeking a company-wide Master Seniority List.

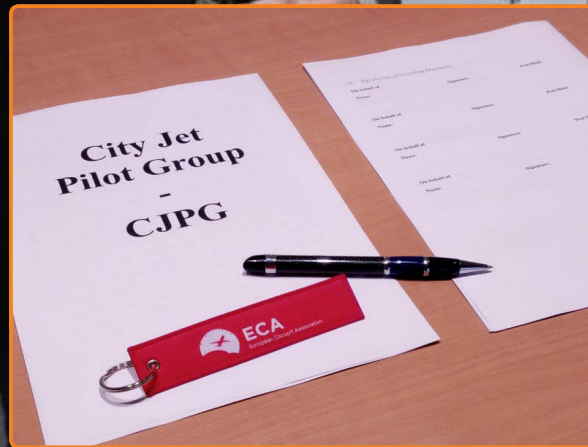


Amid Brexit discussions, currently the **easyJet Pilot Group (ePG)** is focussed on finalising a transnational company agreement on base transfers and command upgrades and setting up its website. They also published an ePG version of the Pilot Wellbeing booklet thanks to the TNA Support Fund.



We added a new Pilot Group to our ranks. The **Eurowings Transnational Pilot Group (EWTPG)** was established in April 2019 by VC (Germany), BeCA (Belgium), ACA (Austria) and SEPLA (Spain). First launch meeting to take place in November and will serve as a starting point to discuss the group's ambitions and priorities.







© Iliya Mitskevets / Adobe Stock

## Ryanair auditions for “Worst employer”

Ryanair and its pilots' past year was nothing short of discordant. After pledges to become a company that rewards and interacts with its pilots and cabin crew, Ryanair effectively turned its back on the unions to focus on its expansion plans in Poland (BUZZ), Malta (Malta Air) and Austria (LaudaMotion). The case of BUZZ deserves particular attention: Ryanair's new subsidiary in Poland was being set up as an airline designed to be union-free by using a large majority of supposedly self-employed pilots and cabin crew, hired through a broker agency, Warsaw Aviation.

The signs that the subsidiary would inherit all the bad 'traits' of the parent company are also visible for LaudaMotion. A much-loved brand among Austrians may

soon become nothing more than a social dumping vehicle.

Ryanair was also challenged by strikes in the UK and Spain, caught in failed mediation rounds in Ireland, abandoned by the COO who was hired specifically to help with the transition to a unionised company, and is suing its own pilots who act as union representatives.

The title "Worst Employer" might have been within reach, if such a contest existed.

This made our support to the Ryanair Transnational Pilot Group (RTPG) a top priority at ECA for yet another consecutive year. Our team accompanied Ryanair pilots in every transnational step of their way, sought together with them solutions and provided strategic

advice on common network wide challenges.

We also put extra efforts into consolidating the unity among pilots in different countries and providing tools and materials to the pilot community.

Finally, we continue to draw the attention of media, shareholders and decision-makers to Ryanair's inadequate labour relations and loopholes in the legislation that allow for such set-ups. Despite agreements signed with several unions – after protracted negotiations – Ryanair seems to be lacking a clear long-term strategy on how to create a genuine culture of social dialogue with its employees.



**EU breaks with “can’t-do, won’t-do”  
attitude on social issues**

The EU Commission has finally faced the inescapable truth that the EU aviation industry needs a 'social agenda' if it wants to keep EU pilots flying those planes. For years ECA raised awareness about the growing number of zero-hour broker agency contracts, fake self-employment and abuse of social security and labour law loopholes.

Our concerns have been repeatedly brushed off. Only now – after 3 scientific studies, an EU Parliamentary Report, various MEP questions, thousands of cases of social fraud and abuse, tax investigations and what else not – did the EU Commission wake up to the widespread social engineering and fraud that is happening in some airlines across Europe.

2019 was the year that we saw a long-hoped shift in attitude and willingness to accept the reality: many airlines just use atypical employment as a smokescreen for regular employment, social and labour laws are insufficiently applied and oversight from authorities leaves much to be desired. This acceptance transpired from the EU Commission Report on the Social Agenda, published in March 2019 and followed up by a Commission Workshop on socially responsible air transport (April 2019).

Behind this change of attitude are ECA's continuous efforts and calls for a "Social Agenda". In the past year, we held a series of technical meetings to present evidence, materials and suggestions for

improvements to EU decision makers.

Our expertise and knowledge of the issues made us the go-to stakeholder for many officials & politicians. The Commission has been receptive to our evidence and a new Expert Group on 'Matters related to Aircrews' has been set up. It is comprised of experts from EU Transport and Labour Ministries, with ECA (and other stakeholders) having the status of 'observer' expert. This group will look at key issues related to atypical crew employment, such as bogus self-employment, non-enforcement of existing laws, abuse of agency work, etc. and make recommendations on how to tackle these.



## Ricardo study on employment & working conditions, 2019

In 2017-2018, the EU Commission initiated a thorough research into the employment and working conditions of aircrew in Europe. Researchers from the consultancy 'Ricardo Energy & Environment' polled around 6000 pilots, 2200 cabin crew, 9 labour inspectorates, 12 employment ministries, 27 airlines...

**1 out of 5 is atypically employed, according to the latest study.** Around 9% of pilots are self-employed. This figure varies among countries, type of air carrier and business model. The majority (88%) are contracted through an intermediary and 75% of all self-employed work for a low-cost carrier.

The self-employment "champions" are Ryanair with almost 60% of its pilots being 'self-employed', followed by Wizzair (3.6%). But the researchers are doubting if even a small number

of those pilots are genuinely 'self-employed'.

**93% of self-employment in aviation, the researchers found, is fake.** The vast majority of self-employed pilots – 90% – are not free to work for more than one airline in parallel, and 93% have no flexibility to decide when or how many hours to fly. Both are major criteria when defining if someone is indeed genuinely self-employed. This effectively means that almost all self-employed pilots are misclassified regular employees.

**8% of European pilots are hired or working through a sort of intermediary or a broker.** The study suggests that given the high level of complexity of defining if a broker agency is a Temporary Work Agency (in the sense of the EU Directive 2008/104/EC), it is likely that brokers are not compliant with EU and

national laws. They do not, or only rarely respect EU Posted Workers rules, they provide bogus self-employed crew to their client airlines or offer consecutive short-term employment contracts to avoid hiring crew on a direct, long-term basis.

**Up to 6% of all pilots have been involved in pay-to-fly schemes,** whereby young pilots pay the airline for the privilege of gaining flight experience on its aircraft during regular revenue-earning flights. The research shows that pay-to-fly is more common among charter airlines (12%) and low-cost air carriers (8%), compared to 3% of pilots flying for traditional scheduled air carriers. Posting of workers rules are also rarely applied in the aviation. While 11% have been posted in another EU Member State, only one fifth of them say the Posting of Workers rules have been applied to them.

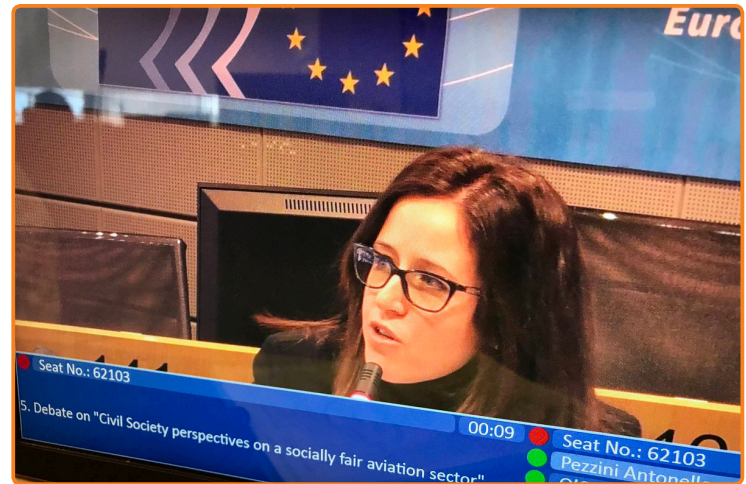


**Ricardo study on employment & working conditions, 2019**



**ACP-ECA-EurECCA statement, 2019**

All these developments carry the ECA signature and have been a positive achievement to the benefit of the entire European aircrew community. Together with crew and airlines, we published a joint statement, calling for a ‘Social Agenda for Europe’s Aviation’ later in 2019. This ACP-ECA-EurECCA statement came to serve as a reminder towards the new EU Commissioners, newly elected EU Parliamentarians and national Ministries/Authorities. What matters now is to have the Expert Group start its work & make progress under the leadership of the EU. After all, it seems that the EU “can do” a lot about workers.



*ECA’s Rosella Marasco at the EESC discussing socially responsible air connectivity*

## Posting of workers

Neither authorities, nor airline management teams are great fans of the EU's Posting of Workers Directive. Why should they be? A complex piece of legislation that no one knows how to apply and with few benefits to employers, if any at all. Hence, there is not much to motivate the majority of airlines to understand and apply the rules on posting. But to us – European pilots – these rules are of major importance.

The latest EU Commission study only confirmed that the Posting of Workers Directive is rarely applied. While 11% of pilots have been posted in another EU Member State by their employer, in practice only one fifth of them had the correct paperwork.

The remaining 89% were most likely disadvantaged by the employer as a result.

To be able to give clear and useful advice to pilot across Europe, ECA initiated a new project on posting of pilots. The outcome of the project would ideally help us to develop concrete tools and instruments to eliminate uncertainties whether a crew member is posted or not.

We will seek legal expertise to define the different types of operations that could constitute posting. As part of the project independent legal experts will assess how the rules are applied in aviation at national and EU level and suggest options that social partners could endorse to improve the effective application. We found support from other crew and airline associations to seek legal clarity: the European Regions

Airline Association and the European Transport Workers Federation. Because of the significance and the direct link to an EU Directive, the EU Commission provided funding for it.

The work is progressing and the draft conclusions will be available by the end 2019.



*ECA's Secretary General Philip von Schöppenthau and Industrial Working Group Chair Jim Philips were among the speakers at the Commission Workshop on socially responsible air transport (April 2019).*

## ICAO's act

The fully liberalised global aviation market, pushed under the Multilateral Air Services Agreement (MASA) project by ICAO, will not be happening anytime soon. After years of intense discussions, there was no support for a worldwide Air Services Agreement. European Member States were amongst the most outspoken critics and aware of the dangers of such a fully liberalised MASA without social, fair competition or environmental safeguards. This informed position is a direct result of the proactive and thorough outreach and awareness raising done by ECA and our Member Associations.

However, while the MASA slowly dimmed out, it is no time for a celebration. A new ICAO workstream paving the way to a full liberalisation of Ownership & Control rules at a global scale has emerged: the Multilateral Convention on Foreign Investment in Air Carriers. Our focus remains on!



*ECA together with the IFALPA Delegation  
at ICAO ATRP*



# On EU terms

We no longer need to call on the EU negotiators to include a “social clause” in the Air Transport Agreements (ATAs) they negotiate with 3rd countries and regions (such as ASEAN). This is already a big achievement. Yet, we still need to remind EU negotiators and Member States to properly enforce it. ECA is present and providing direct input before and during the negotiation rounds, such as in the ongoing negotiations with Oman & ASEAN. This gives us a direct line with decision makers where we try to get the best out of the agreements for crew. Our expertise on other aspects such as wet-lease, fair competition, ownership and control is also considered.

## EU-QATAR deal

ECA has repeatedly emphasized that a dedicated article on social aspects is a must-have element of

any ATA. Even more so of the EU-Qatar ATA, a country with a reputation for ignoring fundamental labour rights, unions and collective bargaining. In a positive development, such an article was included in the Agreement with Qatar, signed earlier in 2019.

Our advocacy points went beyond merely including references to ILO Core values. We insisted on modification of the domestic laws and have found broad support among officials for this. As a result, Qatar is revising its domestic rules on employer sponsorship to become compliant with ILO values.

The provision clearly spells out that undermining social standards cannot be used to gain a competitive advantage. While the social safeguards in the text may be far from ideal, they constitute a good negotiating outcome, carrying again ECA’s signature. It is now ‘merely’ a question of politics to enforce what is signed and agreed.



*EU-Qatar Air Transport Agreement signed in Brussels, 2019*



*ECA is present and providing direct input before and during the negotiation rounds. ECA representative Rosella Marasco at EU-Oman negotiations as part of the EU delegation*

## Foreign carriers no longer get a free pass in Europe

State owned or heavily subsidised foreign airlines are contributing to the decay of EU's aviation industry and EU decision makers need no convincing of that. This is why we only took a targeted approach to advocacy when it came to the new Regulation on Unfair Competition from 3rd countries.

ECA was fully supportive of a new legal instrument and put efforts into ensuring that aviation employees' interests are safeguarded. The new EU rules specify that employees will be taken into account when considering an investigation into third country's subsidy or unfair practices. The Regulation is also intended to promote high level of European quality employment as a political objective.



# 1

Social Agenda for Europe's Aviation

Europe's Single Aviation Market gave airlines not only big business opportunities. It also gave them the key to social engineering: taking advantage of differences in labour law, social security and uneven control and enforcement of various social rules. Together with socially responsible airlines and crew associations, we are calling for a Social Agenda for Europe's Aviation.



**A Social Agenda for Europe's Aviation, ACP, ECA, EurECCA, 2019**

# 2

UAS in Very Low Level airspace

The rapid growth in Unmanned Aircraft Systems (UAS), civil and military, has increased the demand for access to non-segregated airspace. Our experts put together an extensive list of policy guidelines on how to safely integrate drones in low level airspace.



**Operation of Unmanned Aircraft Systems in Very Low Level airspace**

# 3

Evidence Based Training

While in general ECA endorses Evidence Based Training and the principle of 'less checking more training', a cautious approach to the implementation of EBT is crucial. Training experts outline the essential safeguards to successful EBT.



## **Evidence Based Training, Position Paper ECA 2019**

# 4

Specific Operations Risk Assessment

The Specific Operations Risk Assessment (SORA) is a novel approach on how to safely create, evaluate and conduct drone operations. It focuses on assigning two classes of risk: a ground risk class and an air risk class. Is that enough for a safe drone integration into airspace?



## **Specific Operations Risk Assessment (SORA), Position Paper ECA 2019**



# Boeing MAX:

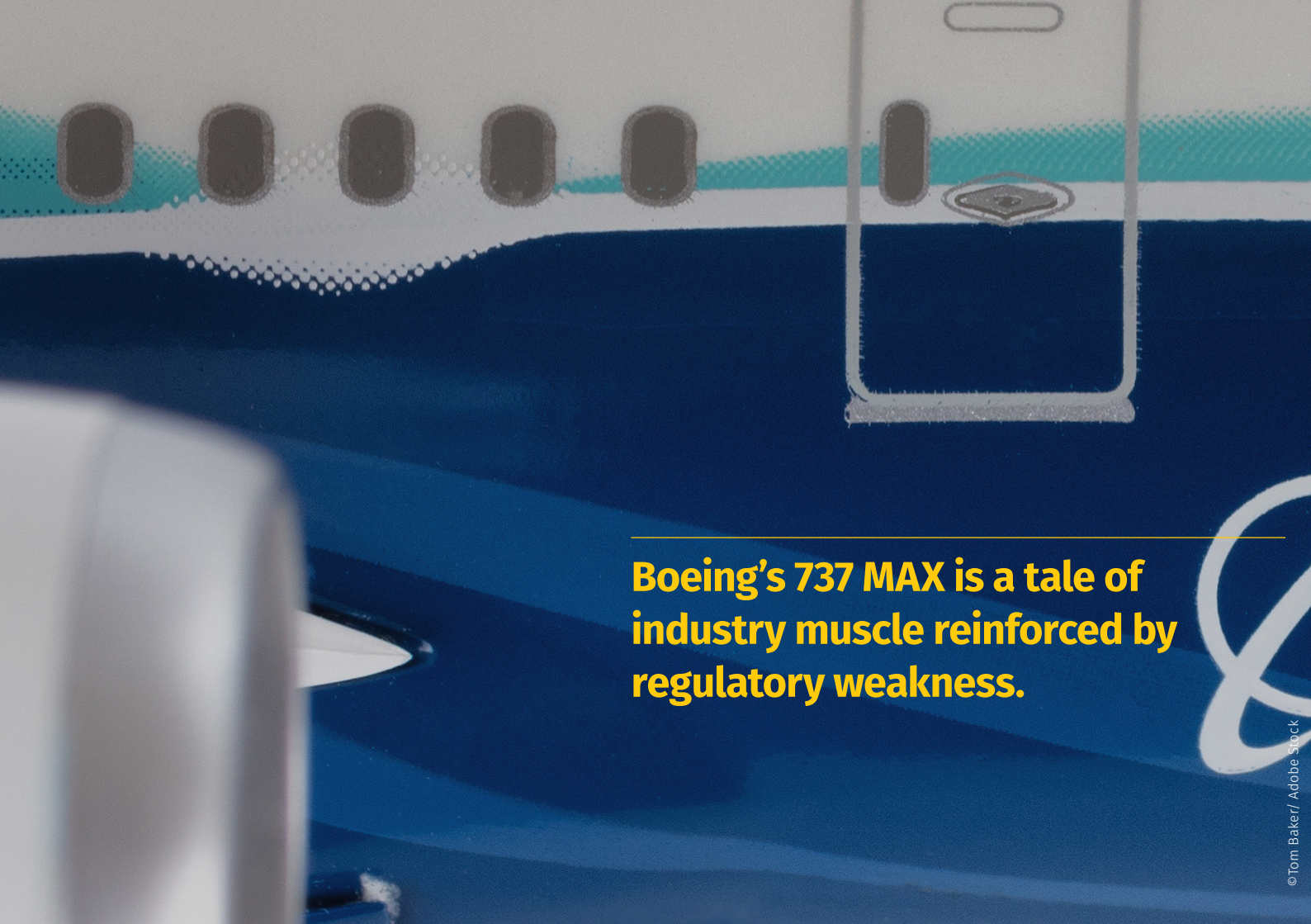
## Now can we talk about regulatory capture?

*The push to have certification and oversight streamlined and conducted as much as possible by the company being regulated, meant that the FAA were unaware of major system changes that occurred through the aircraft's development.*

*It also meant that in order to speed up the approval process and get the plane out for sale quicker, sign off was apparently conducted by FAA managers rather than the technical experts, and in some cases even passed back once again to Boeing employees. All this under time and cost pressure.*

*Boeing's MAX is a blatant example of regulatory capture in the face of industry pressure and lobbying, allowing de facto self-certification to be delegated to personnel employed by the manufacturers being regulated.*

*Boeing is now facing numerous inquiries, including a criminal one, while the accident investigations of Lion Air and Ethiopian Airlines fatal crashes are still ongoing. An official report by international experts from 9 civil aviation authorities worldwide as well as FAA and NASA recently concluded the US Agency dropped the ball on many fronts when certifying 737 MAX.*

A close-up photograph of the side of a Boeing 737 MAX aircraft. The image shows a row of oval windows on the upper fuselage, with a teal and white decorative pattern below them. A door is visible on the right side, partially open, showing a small window and a handle. The lower part of the fuselage is painted in a dark blue color with white swooshes. The text is overlaid on the blue section.

**Boeing's 737 MAX is a tale of industry muscle reinforced by regulatory weakness.**





## **MAXed out**

The Boeing MAX reveals a string of vulnerabilities affecting potentially the entire aviation system when it comes to design, certification, and oversight. The focus on profit has led to dwindling resources for authorities and regulatory capture.

To start with, Boeing essentially built a plane to a wish list that would sell well – not only meeting attractive fuel, cost and performance metrics, but prescribing minimal additional pilot training requirements and shoe-horning it into a convenient common type rating. But the problem is that it seems there was no independent regulator to look at this in-depth from a proper safety perspective.

What 2 deadly airline crashes had revealed – independent from the outcome of the investigations – is wholly inadequate oversight. ECA has been at the forefront of activity on this, on behalf of European pilots seeking clarifications from EASA and confirmation that the Agency will independently conduct a thorough technical review of safety-critical elements of aircraft in view of a potential return to service. And EASA has been receptive to our concerns and publicly expressed its determination to go further than simply rubber-stamping the FAA's potential recertification approval. Furthermore, our focus is to work with the Agency to make sure pilots are adequately trained when the aircraft returns to service.

## **Regulatory capture**

“Regulatory capture” is a situation where the safety regulator effectively becomes part of the companies it is supposed to regulate. It is not confined to the United States – here in Europe we are not immune to it either.

With the best of intentions, but inadequate human resources and central public funding, a reliance on the industry for resources and technical expertise, and driven by a competitive race to the bottom between cost obsessed companies and between regional regulators, Europe has its own weaknesses.

From our own experience at ECA we see the actual processes that develop

our regulations being shaped by representatives of the companies being regulated – and the drive is always one way – less cost, less or softer regulation, more self-assessments, self-declarations and self-regulation by the companies, and less and less by the (often understaffed) regulators at national and EU level. ECA has therefore expressed its concerns and advocated for a critical review of Europe’s rulemaking processes and for careful examination where similar commercial drivers exist in other aircraft programmes – also here in Europe.

## How to train a MAX pilot?

Faced with various questions about the type of training pilots would need when the Boeing 737 MAX returns to service, ECA advocated for a 3-pillar approach. Any pilot, and not only a MAX pilot, needs a thorough knowledge of the aircraft systems and how they function rather than just how they are presented through a user interface. The second pillar is pilot experience in the simulator of the aircraft’s





general handling characteristics, both with any flight control or envelope augmentation systems functioning, and with them failed. Finally, pilots need hands-on experience in the simulator of the situation and environment a pilot will experience in significant systems failure situations.

When it comes to the MAX though, we are in uncharted territory. It is hard to define the nature of the required training, whether simulator based or not, without first understanding whether training can help 'fix' the problem. ECA expressed publicly its opinion that training cannot be considered as an acceptable sticking

plaster for an inherently flawed design, but that training – including necessary practical experience in a SIM – is an essential part of the package to unground the airplane.

## **Avalanche of questions**

Last but not least, the Boeing MAX accidents introduced terms like 'MCAS', trim, angle-of-attack sensors into public discussion. Yet, few people could answer the avalanche of questions generated. As the voice of European pilots, ECA was available to decision-makers and media to provide the much-needed answers, expertise and clarifications

to the various aspects that emerged from the investigations and media reports. ECA's guidance on training, pilot reactions, aircraft design, certification and more broadly – regulatory capture – have been well received by officials. And for sure, ECA will continue our active monitoring and provide leadership and recommendations to decision-makers and authorities.

# Drones coming closer

Drones are coming closer to people, literally. A spate of incidents with unauthorised drones flying in the vicinity of airports focused our attention once again at these new technologies and the need for both legal and technological solutions.

ECA played a key role in bringing manned aviation stakeholders together for a powerful statement, highlighting the risks of unauthorised drone operations in around airports. The declaration, **We are ONE in the sky**, was well received by decision makers and gave a powerful signal that we need to accelerate the implementation of EU rules on drones and enhance safety.

Already today we know that this will be one of the major aviation challenges for the next decade. Our thinking on the subject advanced significantly in the past year and we prepared a detailed ECA position paper outlining the prerequisites for a safe and efficient co-existence of manned and unmanned aircraft in the airspace.

We also worked with our Member Associations to promote the Drone Sighting Guidelines, originally produced by BALPA & GATCO. Those Guidelines have now become the reference point for Air Traffic Controllers and pilots worldwide! Along with that we continued to be

a vocal

advocate for a set of rules that would allow safe, secure and efficient integration of drones. Our experts are

continuously engaging with decision-makers to bring clarity and operational expertise from those flying thousands of passengers daily in Europe's skies. To put more emphasis on the pilots' perspective to drone integration, ECA also participated in the high-level workshop on counter drone technology, organised by EUROCONTROL.



This wealth of initiatives and high-paced industry developments require a lot from our RPAS Working Group. This is why, together with our Member Association ISRALPA, we organised a meeting with a leading drone industry

player in Tel Aviv. The first-hand insights into the latest technologies and trends are crucial for our experts to continue their work in the months and years ahead.

## WE ARE ALL ONE IN THE SKY

There is only one sky and all stakeholders, new and traditional, need to collaborate to keep it safe, secure, efficient and fair.

The Signatories support the European regulatory authorities in producing a robust, harmonised, EU-wide regulatory safety framework that enables the safe, secure, efficient and fair integration of drones in the aviation system, and fosters broad public acceptance.

Since the Drones Helsinki Declaration in 2017, which called for simple and performance-based rules for drones, significant progress has been made in developing and delivering a regulatory framework that will support the safe and sustainable growth of the drone industry.

However, in order to facilitate the integration of drones in very low-level airspace (i.e. below 500 ft) and preserve the high level of safety in the entire European airspace, we jointly call to accelerate the implementation of the following measures:




**1 Extensive public awareness campaign**

The general public, including non-commercial drone users, as well as commercial pilots, must be aware of the risks, drone safety, insurance requirements, performance and flight restrictions, and the potential for misuse. It is essential to raise awareness with drone operators. There are essential requirements on the part of awareness and education could focus on safety accidents and incidents. Therefore, more resources must be dedicated to the support of drone regulation by the competent

**2 Mandatory training and certificate/licenses relevant to operations**

The obligation to develop pilots to obtain a license aligns with ICAO regulation - identifying the competencies, performance and flight restrictions, and the potential for misuse. It is essential to raise awareness and maintain knowledge of the applicable regulatory and operational requirements. Training should be provided to personnel and pilots to ensure an equivalent safety level to ensure drone operators in compliance with knowledge and

**3 Airport protection from Drone intrusions**

Drones related also reported by, at Geneva/CDG, Hinfelwood ILS, (MIL) and by a traditional airport operators, but their impact on airport operations and aviation safety has caused significant concern, which is being addressed through a mix of risk and cost management - to be prepared to protect the safety of airport operations in coordination with their competent authorities and law enforcement agencies. All these parties, including concerned airport operators, need to ensure operational requirements and safety levels and to ensure compliance with applicable regulatory requirements. Our common and primary concern are drone safety, but low altitude user safety and of existing airports that need to be taken for consideration and a safety case must be developed to determine the level of 'specific' impact on the safety levels.

It is essential to study before the sites and responsibilities of each stakeholder (eg airports, air navigation service providers) and coordinate with airports, by the relevant authorities and international forums.

Member States must ensure that all drone operators within their national airspace are trained in the national safety/hazard/avoidance procedures. Collaborative and ICAO legal and/or administrative measures must be developed to ensure States when cases of drone endanger aviation by violating the existing rules.

**4 Incident reporting**

To ensure the utmost in safety and security, it is vital to increase the number of voluntarily reported incidents as possible. Reporting any incidents/accidents concerning drone operations, as well as changes that in the context of safety, may result in a safety hazard, must be reported to the competent authorities. It is essential to report such occurrences based on a no-blame system, while the possibility of just culture, is a prerequisite.

To comply to operations, legislators and general public that the focus is improvement in safety levels through safety investigations and learning from these occurrences, and not to blame them. The main role reporting system should be available for this purpose. The maximum safety should be the main goal of reporting investigations and the harmonised across Europe.

It is essential that States have the appropriate measures, power and means to enforce regulation. To guarantee the safety of manned aviation and third parties on the ground, enforcement bodies must ensure training and technical equipment to monitor regulatory compliance.

Also, the registration of droneholder operators as well as the equipment for a drone pilot certification should be given full-scale support. If the requirements can be fulfilled, they will comply with rules and regulations.

**5 Increase in the effectiveness of enforcement**

There is currently no robust path for the integration of manned and unmanned aircraft in controlled airspace (ie controlled airspace) and the implementation of a fully certified system. One of the greatest challenges is that there are currently no adequate technologies for separation between manned and unmanned aircraft. It is essential to ensure that all drone operations are based on a no-blame system, while the possibility of just culture, is a prerequisite.

**6 Situational awareness of all manned aircraft**

As long as there is no intentional consensus on how this should be achieved, coordinated and addressed, it is not sustainable to complete drone operations such as UAS/UTM and surveillance flights.

We support the ongoing efforts by the European Aviation Safety Agency (EASA), EUROCONTROL and other international organizations and other support in achieving this issue.














Otjan de Bruijn, ECA Vice-President @ EUROCONTROL high-level workshop on drones

We are all one in the sky, 2019

43

# Training for excellence

Pilot training traditionally concentrates on training for a license. What has become clear in recent years though is that pilots need an additional set of competencies for a successful career. The “training for a license” philosophy led to a situation where the market was flooded with license-holders who were not up to the airline standards. With this as a starting point, we looked at how a new toolbox for training can help to address this issue: training which encompasses everything from the initial basic flying skills to the management competencies needed in an airline environment.

This new approach – “training for excellence” – requires attracting and selecting those students who bring with them the proper skills, knowledge, personality and dedication. It also requires that training is tailored to the individuals and to the profession. In addition, aspiring pilots would need to rely on a dedicated learning environment and high-level instructors.

Only such an integrated concept will guarantee a change in the paradigm. The final product of this pilot training revamp exercise is still in the pipeline but ECA’s Board Director Tanja Harter had already given a ‘preview’ to the

aviation industry training experts. Her presentations at the Royal Aeronautical Society International Flight Crew Training Conference in September and [European Airline Training Symposium \(EATS\)](#) in October were well received. We will continue to promote the concept of “training for excellence” and introduce it to the ongoing debates at EU level.

## The one & only?

Along with that, we are also taking a leap into the future with a more active role and voice on reduced crew operations. Our first step was





---

## A new approach to training



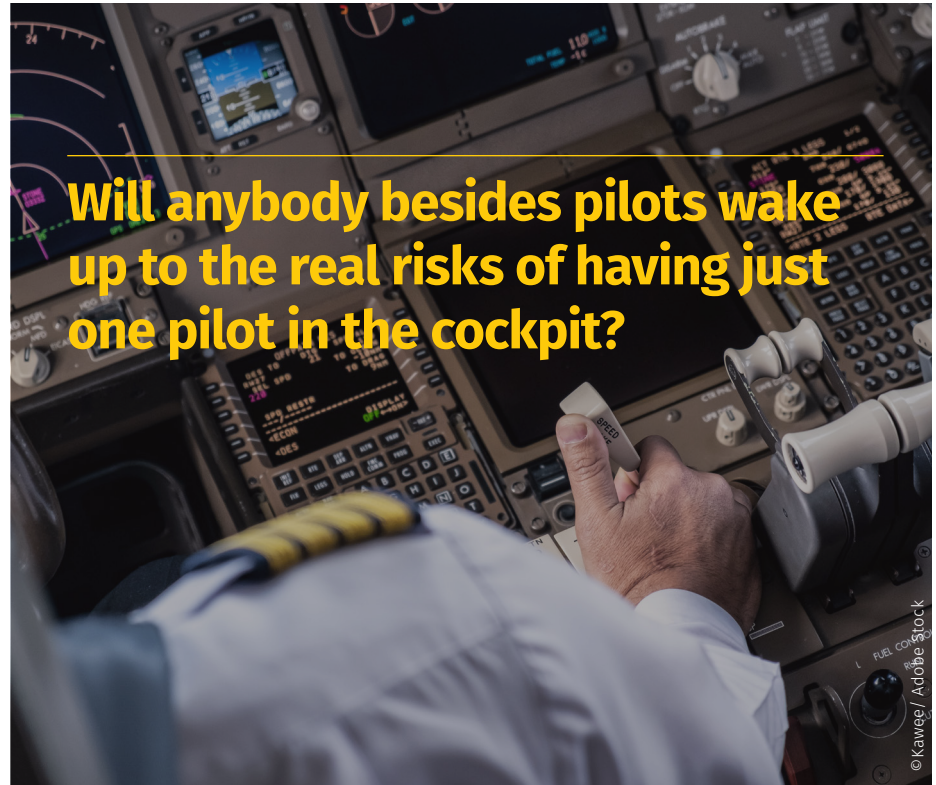
*Tanja Harter, ECA Technical Board Director @ Royal Aeronautical Society International Flight Crew Training Conference*



inviting an external speaker at the ECA Conference who mapped out the potential risks of reducing crew in the future.

From there ECA will be starting a more active research and advocacy campaign. Our prime target for the near future is to identify the projects that manufacturers, airlines and regulators are working on. A widely read editorial by ECA's President Jon Horne triggered a discussion with authorities and has undoubtedly rung some (alarm) bells in manufacturers and airlines' HQs.

Will anybody besides pilots wake up to the real risks of having just one pilot in the cockpit? Time will tell...



# More excellence!

In the past year, we have seen two former ECA Presidents Awarded.

Captain Dirk Polloczek was awarded the **IFALPA Scroll of Merit**, in recognition of serving the pilot community with loyalty, honour & distinction, contributing to the achievements of the objectives for which it was founded.



**IFALPA's Clarence N. Sayen Award**, intended to recognize the outstanding efforts of the recipient in furthering the progress of the Federation, awarded to past IFALPA President, Captain Martin Chalk.



ECA had the honour of receiving the **SES Excellence Award** together with our colleagues IFATCA - International Federation of Air Traffic Controllers' Associations & IFATSEA.

The Award was a recognition of our deep involvement in the building-up of a Single European Sky over the years, providing the pilots' first-hand operational experience and expertise. Stakeholders in Europe have expressed great appreciation with our input to the Wise Persons Group, set up by the European Commission to produce proposals on the future direction of air traffic management in Europe. The ATC reform under the project of a Single European Sky has made staggeringly little progress, leading to a capacity crunch in the sky. One of the consequences is the ever-growing flight delays and cancellations.

Our views have been reflected in the final report and most recently ECA was amongst the 21 signatories of a joint declaration expressing our commitment to the Single European Sky vision. At the same time, ECA gave strong opposition to the blame game that usually targets Air Traffic Controllers for delays.





# Helicopter pilots

Our helicopter pilots were once again at the forefront of the European effort to make helicopter operations safer. ECA was instrumental in developing the EASA Rotorcraft Safety Roadmap, published in December 2018. And our experts Edwin Tasma and David Abad are amongst the most active contributors to the EASA rotorcraft agenda, including the recently established EASA Rotorcraft Committee (R.COM). Their active participation in this group gives us the power to shape policies and discussions at a high level in Europe. Through their participation, ECA flagged the unacceptably high number of accidents related to mid-air collisions. In the past 2 years 25 people died in 8 mid-air collisions in Europe. 6 of them happened between helicopters and other types of aircraft. ECA will continue to advocate for EASA to put rotorcraft safety higher in its priority list.



*Edwin Tasma and David Abad @ EASA Rotorcraft Symposium*



# Data4Safety

Over the past three years Europe's Data4Safety programme has been shaping up from the initial conceptual ideas to where we are today: a well-defined programme that is on the verge of delivering its first tangible results.

Since the start in June 2016, the D4S members have established a robust programme governance that assures that all individual members\* have a decisive voice, including ECA on behalf of the pilot community, especially when it comes to decisions regarding data protection and privacy issues.

The programme would not go anywhere without an extremely powerful IT setup with servers based in Frankfurt. This location further strengthens data security thanks to the very stringent data protection laws in Germany. The programme members have also agreed on a strict data governance protocol. Last but certainly not least, the D4S Supervisory Panel is tasked with technical IT oversight. All this to ensure that access to the data lake itself is tightly controlled according to a strict "need to access only" policy.

Currently the D4S team is busy developing the first analysis algorithms that will soon provide the

first outputs. Over the coming year, the development rate will increase as more data sources become available. Meanwhile, D4S also welcomed its first new members: KLM & Vueling. With their participation the programme is rapidly maturing into a truly aviation safety enhancement tool.

**Data4Safety (D4S) is a voluntary, cooperative partnership within the aviation community, for sharing and analysis of data**

*\* D4S Members: easyJet, British Airways, Iberia, Deutsche Lufthansa, Ryanair, Airbus, the Boeing Company, the Spanish Aviation Safety and Security Agency (AESA), Direction de la Sécurité de l'aviation civile (DSAC France), the Irish Aviation Authority (IAA), the United Kingdom Civil Aviation Authority (UK CAA), the European Aviation Safety Agency (EASA)*

# Goodbye, Hello

In the past year we also said Goodbye to the European Parliament Members and the EU Transport and Employment Commissioners we worked closely with in the past 5 years. The newly elected Parliament and the members of the Transport and the Employment Committees will have a steep learning curve ahead of them. ECA has been reaching out to them and providing a snapshot of views and information on the upcoming legislative files.

We also organised a simulator training session for newly elected MEPs, offering them the chance to experience the fun of flying in a full motion SIM. At the same time, our Board and staff had the opportunity to sketch the challenges of the pilot profession and European aviation. The “ECA Aviation Academy” for MEPs was a great success.





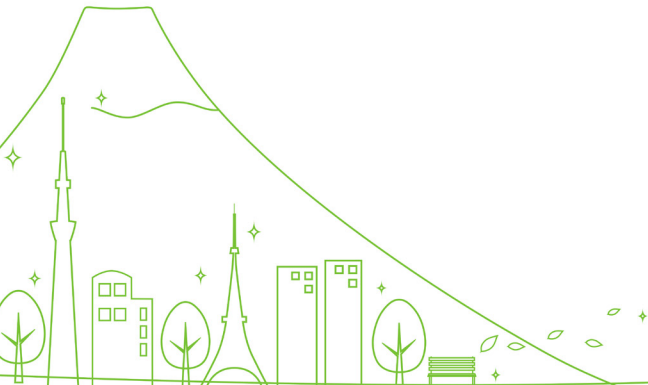
This first touch point set the tone for hopefully a productive cooperation with our European decision makers.

It is to be seen how the continuity in the European Commission and the handover of priorities will take place. In any case, ECA has taken proactive steps to reach out and we are hoping for an ambitious and capable Transport Commissioner with a sharp eye for Social issues.

## The green deal

And while there is always a bit of uncertainty about the legislative priorities of the new Parliament and Commission, we know that the 'green deal' will be among those priorities pushed by Ursula von der Leyen's Commission. "Green taxes" for airlines and other measures to limit the air travel's environmental impact, may get right to the centre of transport policy discussions.

To be able to contribute to the debate and shape those policies, ECA is now looking into its own resources and identifying a strategic approach on how to deal with making aviation sustainable in the green deal.



**www.eurocockpit.be visits**

**145.000**



**10.000 FANS**



**400 Mentions**



**1283 Followers**



## About ECA

The European Cockpit Association (ECA) was created in 1991 and is the representative body of European pilots at EU level. We represent over 40,000 European pilots from 36 national pilots' associations.



# ECA

European Cockpit Association

European Cockpit Association  
rue du commerce 20-22  
B-1000 Brussels  
[www.eurocockpit.be](http://www.eurocockpit.be)