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ETF-POSITION PAPER ON EASA NOTICE OF PROPOSED AMENDMENT (NPA) No 2007-16

Extension of the EASA system to the regulation of Air Traffic Management and Air Navigation Services (ATM/ANS)

The purpose of this NPA is to find and develop appropriate regulations and rules by the EASA (European Aviation Safety Agency) while extending its scope to the safety and interoperability of Air Traffic Management and Air Navigation Services (ATM/ANS). Hereby, the EASA is directly involved in the rule-preparation process and assists the Commission in its executive tasks by defining specified amendments and draft regulations.

Though the text of this NPA has been developed by the EASA, it is submitted for consultation of all interested parties in accordance with the appropriate Basic Regulation and Articles of the Rulemaking Procedure in the European Communities. Therefore, the EASA has called all the stakeholders concerned, to work out comments on the content of NPA 2007-16 and send them in before 21st January 2008, in order to support the Commission by the provision of an Agency opinion in due time, to meet its own objective to issue a legislative proposal addressing the safety regulation of Air Traffic and Air Navigation Services before this summer 2008.

ETF and her member organisations all across Europe have analyzed and evaluated NPA 2007-16 very carefully and focused the nucleus of their comments and statements by answering all the 10 questions explicitly asked by the EASA in its document, now being listed as followed:

1. The establishment of the concept of operations should rest with the air traffic control service providers since it is them to have the expertise necessary to model and define the operations. The definition of the objectives that has to be met by the concept of operations should also rest with the air traffic control service provider since they must manage the requirements and expectations of the various stakeholders who may have conflicting requirements. The authority to proceed with the implementation of a given concept of operation should require regulatory agreements since the scope of service provision is greater than the technical solution of it and the air traffic service provider can only be really accountable for the appropriate service associated with the technical solution concerned.



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2. The suggested essential requirements cover a wide range of topics and do certainly constitute the basis for further progress work on it. Nevertheless, numerous items will have to be checked in details and sound consultation should be carried out on them. The removal of Member States being allowed to impose their own safety standards must not lead to a rounding down of standards across Europe.
3. ETF shares the opinion that, as far as ASM (Airspace Management) and ATFM (Air Traffic Flow Management) are concerned, they are mainly to be regarded as service provision matters. But, with respect to the pan-European dimension, they obviously could produce the need to treat them as regulatory subjects as well.
4. ETF clearly states that the definition of systems and components used in the context of the European Air Traffic Management Network (EATMN) will need to be subject to the extended basic regulation.
5. ETF demands that the appropriate regulating authorities should be directly involved in the regulation and inspection of design, manufacture and maintenance of safety critical systems and components. There, the attention paid on the maintenance of the operational systems concerned must be higher than the one for the designers.
6. Nowadays, within the overall European ATM-performances, all services related to ATM must be considered as safety critical up to a very high degree. ETF does not see any service related to ATM which should not be certified. That is also the reason why the ETF strictly rejects any attempt of unbundling of ATS-services, because these services are clearly involved as integrated partners in the ATM-safety chain and ATC-services are very much dependant on them in order to deliver safety and high quality standards during their daily business. Besides that, licensing of personnel (ATCOs, ATSEPs AIS staff and other jobs within the ATM-safety chain) combined with high training standards are essential and of great value to us as workers representatives.
7. ETF thinks that it would be very useful that ATM/ANS service providers should be certified for the provision of multiple services under a single certificate.
8. ETF agrees with the EASA in certifying pan-European ANS/ATM service providers, for example such as the Eurocontrol-CFMU function as well as future FAB-management components of importance, too.
9. ETF will not support any concept of so-called "assessment bodies" because we do not see any good use in the accreditation of such third assessment parties. We suggest to rely on the still existing well- experienced National Supervisors where EASA just will have to delegate some of its certification processes in the countries involved,



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directly towards them.

10. In general, ETF does not support any separate certification schemes for certain safety critical systems and constituents. Such kind of approach would be very contrary to the total system approach required by SMS. Also, by definition, the certification for certain systems or constituents would be selective in its nature and could therefore have the potential to miss critical risks which could come from other parts of the overall system. If a certification of the overall system is carried out, it could not as seen as very logical that some kind of partial certification is then superimposed for certain elements of the system, only.

ETF has always expressed that safety is paramount!

The main objective of the EASA system is to establish and maintain a high uniform level of aviation safety.

In spite of that, ETF's main worry in this context is that with EASA being the competence for ATM in the near future with them fully taking over in 2010, is one of resources.

The aspect of resources covers a vast number of competent staff who have the sufficient qualifications and expertise in ATM, the actual number of staff employed and their ability to legislate and audit changes to the European ATC system.

ETF calls the EU Institutions to make sure that the annual EASA budget grows will correspond to the increasing field of competences of this Agency in order to match the new upcoming challenges.

Furthermore, ETF warns that the EASA must not function as some kind of agency that transfers the recommendations of the High Level Group into reality, against the Bottom-Up approach and without the workers and their Staff Representatives concerned.

ETF demands to be part of any working group set up by EASA as far as ATM is concerned.



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