



Brussels, 17.10.2022
COM(2022) 529 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

The European Aviation Safety Programme

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMANT AND THE
COUNCIL – THE EUROPEAN AVIATION SAFETY PROGRAMME**

**1. THE COMMISSION 2011 COMMUNICATION AND THE SECOND EDITION OF THE
EUROPEAN AVIATION SAFETY PROGRAMME DOCUMENT**

The Commission Communication on "*Setting up a Safety Management System for Europe*"¹ published in 2011 described the safety challenges faced by the Union and its Member States and concluded on the necessity to develop a more proactive and evidence-based approach. It detailed a number of practical actions to meet these challenges. The Commission Communication was accompanied by a document describing the European Aviation Safety Programme (EASP)².

A number of those actions were implemented at the time, notably with the adoption of Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation³, the development of safety analysis at EU level, the establishment of a risk assessment classification, the extensive use of the regulatory EASA Committee and of the EASA advisory bodies as the principal forums for enabling discussions with Member States on actions to be taken, the yearly publication of updates to the European Aviation Safety Plan, the development of safety performance indicators, and the increased cooperation with the Union's neighbours on the identification of safety issues. It was also recommended that the Commission updates the European Aviation Safety Programme on a regular basis as changes in the management of aviation safety within EU occur.

The first revision, i.e. the second edition⁴, of the European Aviation Safety Programme, took place in 2015. It encompassed an integrated set of regulations at Union level, together with the activities and processes used to jointly manage the safety of civil aviation at European level. It was not a plan of activities but rather intended to create an EU level equivalent to the State Safety Programme as required by ICAO Annex 19 to the Chicago Convention. It had the merit of providing a clear structure for the explanation of the European safety policies and its objectives, the concepts of safety risk management, safety assurance, and safety promotion.

With Regulation (EU) 2018/1139⁵ Chapter II, and in particular its Article 5, the EASP gained legal status as the document describing the functioning of the European aviation safety system,

1 Communication from the Commission to the Council and the European Parliament, Setting up an Aviation Safety Management System for Europe, COM/2011/0670 final.

2 The European Aviation Safety Programme, SEC/2011/1261 final.

3 Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (Text with EEA relevance); OJ L 122, 24.4.2014, p. 18.

4 Report from the Commission to the European Parliament and the Council, on the European Aviation Safety Programme, COM(2015) 599 final.

5 Regulation (EU) 2018/1139 of the European parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending

containing the rules, activities and processes which are used to manage the safety of civil aviation in the Union.

Accordingly, this second revision, i.e. the third edition, of the European Aviation Safety Programme, will follow the same structure as the second edition, aligned with the format and structure of the State Safety Programme framework as detailed in Annex 19 to the Chicago Convention.

2. THE 3RD EDITION OF THE EUROPEAN AVIATION SAFETY PROGRAMME DOCUMENT

The European Aviation Safety Programme document explains how safety is managed in the EU and its Member States, including through Union legislation as well as other policies, practices and actions.

The European Aviation Safety Programme document presents a 'snapshot' of all the rules and processes which are contributing, in an integrated manner, to the prevention of accidents and to the safety of aviation activities in the Union.

The European Aviation Safety Programme document is not intended to replace Member States' State Safety Programme documents but rather to complement them. Since many rules and activities related to aviation safety are adopted and coordinated at EU level, the European Aviation Safety Programme document should be referred to by the Member States within their own States State Safety Programme document to explain comprehensively how aviation safety is managed within their national territories as required from them under the Chicago Convention. Indeed, as the EU has legislated in many areas of aviation safety and has implemented a European safety risk management process it is not possible for the Member States to describe how they manage safety without including the EU dimension.

Furthermore, in certain areas covered by the Chicago Convention, States have transferred their competence to the Union. The European Aviation Safety Programme document explains how the EU addresses the international obligations that result from this transfer of responsibilities.

By describing the processes used to jointly manage safety at European level and, in particular, how the European Commission, the Member States and EASA cooperate to identify hazards, safety deficiencies, and take actions to mitigate the related safety risks, the European Aviation Safety Programme document describes where the various responsibilities for safety lie within the EU and makes clear how the EU as a whole can achieve and maintain a satisfactory safety performance. It also provides transparency to all stakeholders with an interest in safety on the roles and responsibilities, distribution of competencies, policies and processes currently in place in the European Union system.

The European Aviation Safety Programme document includes the following :

- The first part of the document is dedicated to European safety policies, objectives and resources. It notably encompasses the description of the European aviation legislative framework and explains the distribution of competencies between the Member States

Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (Text with EEA relevance); OJ L 212, 22.08.2018, p. 1.

and the various actors at EU level. Finally, it details the mechanisms in place to enforce EU legislation.

- The second part focuses on European safety risk management. It describes the existing safety management requirements applicable to the industry and the Member States, and explains how safety risks are collectively assessed and mitigated within the EU.
- The third part addresses the European dimension of safety assurance and mainly details how safety oversight is performed within the EU and its Member States.
- Finally, the fourth part details the European activities in the area of safety promotion including training and international cooperation.

3. THE IMPACT OF REGULATION (EU) 2018/1139 ON THE EUROPEAN AVIATION SAFETY PROGRAMME

Since the publication of the first two editions of the European Aviation Safety Programme document in 2011 and in 2015, several legislative changes have occurred in the EU and in particular a new framework Regulation (EU) 2018/1139 has entered into force. Its impact is fundamental as it foresees that the application of sound safety management principles is essential for continuous improvement of civil aviation safety in the Union, anticipating emerging safety risks, and making best use of limited technical resources. The Regulation concludes that it is necessary to establish a common framework for planning and implementing safety improvement actions. It provides that, to that end, a European Plan for Aviation Safety and a European Aviation Safety Programme should be drawn up at Union level. Based on it, each Member State should also draw up a State Safety Programme in accordance with the requirements contained in Annex 19 to the Chicago Convention. That Programme should be accompanied by a plan describing the actions to be taken by the Member State to mitigate the identified safety risks.

Chapter II of Regulation (EU) 2018/1139 established an EU legal framework for Aviation Safety Management, dedicating four articles to the European Aviation Safety Programme, the European Plan for Aviation Safety, the State Safety Programme, and the State Plan for Aviation Safety. Now, these four concepts are recognised under EU Law.

Article 5 on the European Aviation Safety Programme establishes that the Commission shall, after consulting the European Union Aviation Safety Agency and the Member States, adopt, publish and update as required a document describing the functioning of the European aviation safety system, containing the rules, activities and processes which are used to manage the safety of civil aviation in the Union in accordance with this Regulation (the ‘European Aviation Safety Programme’). The European Aviation Safety Programme shall include at least the elements related to State safety management responsibilities described in the international standards and recommended practices. The European Aviation Safety Programme shall also describe the process for the development, adoption, update and implementation of the European Plan for Aviation Safety referred to in Article 6, which complements the Programme.

Article 6 on the European Plan for Aviation Safety lays out that the European Union Aviation Safety Agency, in close collaboration with Member States and relevant stakeholders, shall develop, adopt, publish, and subsequently update at least on a yearly basis a European Plan for Aviation Safety. Based on the assessment of relevant safety information, the European Plan for Aviation Safety shall identify the main safety risks affecting the European aviation safety

system and set out the necessary actions to mitigate those risks. The process for the development and adoption of the European Plan for Aviation Safety has been continuously fine-tuned to incorporate the lessons learned after the first implementation cycles. It constitutes a vital element of safety management system at EU level. In line with Article 5(2) of Regulation (EU) 2018/1139 the European Aviation Safety Programme describes the process for the development, adoption, update and implementation of the European Plan for Aviation Safety .

On top of the changed legal framework, the management of safety has evolved in other areas; one example is the evolution of the activities performed by the European Union Aviation Safety Agency in the context of standardisation inspections, notably as regards the evolution of competences in traditional domains such as air traffic management/air navigation services (ATM/ANS), or new areas introduced by virtue of Regulation (EU) 2018/1139 such as unmanned aviation, environment, groundhandling and the interface between aviation safety and security, with particular emphasis on cybersecurity.

In order to remain efficient in the prevention of accidents and the mitigation of risks, safety management needs to continuously adapt to changes in the aviation system, technological developments, new business models and the emergence of new safety hazards. The European Aviation Safety Programme document therefore requires regular updates to reflect these changes. Article 5(1) of Regulation (EU) 2018/1139 provides that the document shall be updated as required.

The third edition of the European Aviation Safety Programme document, which reflects the abovementioned changes and describes the way aviation safety is currently managed in the European Union and its Member States, is provided in the Annex to this Report.