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INFORMATION NOTE

From: European Commission

To: Council

Subject: EU volcanic ash crisis: follow-up and the wider scope of crisis management
(EU methodology and binding limits)
- Information from the Commission

Delegations will find annexed an information note from the Commission on the above mentioned subject, which will be dealt with under "Any Other Business" at the meeting of the Council (**Transport**, Telecommunications and Energy) on 31 March 2011.

Information note from the Commission

Volcanic Ash Crisis follow-up and the wider scope of crisis management

1. INTRODUCTION

1. The volcanic eruption in Iceland in April and May 2010 demonstrated vulnerability within the European aviation system as a result of the inadequacy of the aviation community's understanding of volcanic ash phenomena and their potential effects on aviation. The level of disruption and impact on the air transport industry was extensive and required urgent action at EU level.
2. At the extraordinary Transport Ministers Council organised by the Spanish Presidency on May 4th a number of conclusions were agreed highlighting several actions to be taken to alleviate the immediate situation, as well as more structural measures to provide for a sustainable solution to crisis management in the aviation field.
3. On 24 June last year the Commission was able to report back to the Transport Ministers Council on concrete results achieved with regard to a number of the conclusions agreed at the previous session. The commitment was also made to pursue further action with regard to the remaining open items.

2. ENHANCING EUROPE'S LEVEL OF PREPAREDNESS TO FUTURE VOLCANIC ERUPTIONS

4. The EU's response to the Eyjafjallajökull volcanic ash crisis showed the importance of centralised European action in a wide-spread crisis situation. The Commission, together with Eurocontrol and the Spanish Presidency, organised an effective response over the weekend of 17-18 April, which subsequently, in collaboration with the European Aviation Safety Agency (EASA), was published in the EASA Safety Information Bulletin (SIB) 17R2-2010.

5. This demonstration of the ability to respond to such crisis situations in a resolute manner and with speed was nevertheless accompanied by the realisation of the need for additional measures in order to ensure an enhanced level of preparedness to respond quickly to future volcanic eruptions that could impact Europe in a similar manner.

2.1. Containing the risk of flight operations in ash contaminated airspace

6. The Eyjafjallajökull eruption and its consequences for air transport showed how important the quality of technological and data support is to enable an appropriate risk assessment and decision making process in cases of incidents and events with potential effects on a large geographic scale and on such complex systems with high safety requirements as in air transport.
7. The Commission has continued to be actively engaged in the practical work to refine existing volcanic ash avoidance methodologies in aviation and in this regard it launched a specific call under the 7th Framework Programme (FP7) entitled 'Technology Support for Crisis Coordination for the Air Transport System following major disrupting events'.
8. The current EU approach, as published in the EASA SIB 17R2-2010, identifies the availability of reliable and accurate data and information as a critical element in the safety risk assessments to be performed by airlines wishing to operate safely in airspace with possible ash contamination. This in fact constitutes the core of the guiding principles according to which the Commission has and continues to pursue its activities, i.e. **the airline is responsible for the safety of its operations**, based on the production of a **safety risk assessment** accepted by its supervising authority, and this process must be repeated when changes occur that are material to the integrity of the assessment. In this respect the airline must show that the information sources it uses in its safety risk assessment are correct, its own competence and capability to interpret such data correctly. Of critical importance is that before starting operations **the airline must obtain from the manufacturers specific information regarding the susceptibility of the aircraft they operate to ash-related airworthiness effects** and this must be reflected in the safety risk assessment.

9. The Commission recognizes the importance of establishing improved data on ash tolerance limits for operations in airspace with volcanic ash contaminants, but it equally recognizes the complexity of the technical issues to be addressed in this regard. EASA, on the basis of discussions with various industry stakeholders and subject matter experts, has acknowledged the difficulty in making progress on the subject of engine acceptability levels for volcanic ash, but it is equally committed to pursuing its associated rulemaking activities. In essence EASA is planning to launch associated rulemaking consultations and proposals during the course of 2011. Three such initiatives are planned:
- 1) An Advanced Notice of Proposed Amendment (A-NPA) on Operational Risk Assessment;
 - 2) A Notice of Proposed Amendment (NPA) to define and standardize airworthiness data provided by engine manufacturers that is required as input into operational risk assessments; and
 - 3) An A-NPA on Certification Standards to establish the future needs and content of volcanic ash certification standards
10. The Commission believes that at the present time there is greater value in terms of Europe's network consistency and efficiency, whilst always maintaining the highest safety levels, in achieving a harmonized approach to managing the airspace whilst improving the data available to allow airspace users to manage the risk associated with operations in volcanic ash contaminated airspace than by attempting to hastily derive binding technical limits.

2.2. Beyond volcanic ash: the wider scope of aviation crisis management

11. The crisis showed the crucial importance of a better integration of the EU airspace through the Single European Sky (SES) initiative. The acceleration of its implementation was given the highest political priority by the Council on May 4th.

12. At the occasion of the Transport Ministers Council meeting of 24 June 2010 the Commission was able to report on some significant advances made in this respect, although some elements still remained subject to final approval. The Commission would therefore like to take this opportunity to give the full picture of the achievements as they stand today as regards advances made in implementing the SES:
- The SES Performance Scheme has been adopted, along with the designation of the Performance Review Body, and on 3 December 2010 the associated EU-wide performance targets were approved by the Single Sky Committee.
 - Functional Airspace Blocks (FAB) Guidance Material and the FAB Implementing Rule were adopted by the Single Sky Committee on the 3 December 2010, which together with the nomination of the FAB Coordinator will provide support in facilitating the respect of the FAB implementation deadline of 4 December 2012.
 - The Implementing Rule for Network Functions was adopted by the Single Sky Committee, along with the decision on the designation of the Network Manager, on 15 February 2011.
 - Following the opinions issued by EASA on 28 May 2010, the acceleration of implementing its new competences for safety regulation in the field of air traffic management is also progressing well, finalisation by the Single Sky Committee expected for April 2011.
 - With specific regard to a SESAR Deployment strategy, the Commission intends to present a proposal to the Council on governance and funding mechanisms for the SESAR deployment phase in the course of 2011.
13. In the context of these developments a specific emphasis is placed on the developments with regard to the establishment of the Network Functions (NF) and the designation of the Network Manager. More specifically it should be noted that a specific objective was to have the EACCC incorporated in the NF. With the adoption of the associated Implementing Rules the EU now finds itself in a situation whereby it has a central entity that can take the lead in coordinating the management of mitigating measures at local,

regional and network level in order to secure the provision of a timely response to future crisis situations affecting aviation. In essence it is deemed that crisis management in the context of the Network Management Function will allow for:

- A more harmonised and coordinated approach to the risk and flow/capacity assessment
- The ability to formulate quickly proposals for mitigating measures.
- The ability to ensure a harmonised and coordinated safety assurance in view of the existence of an extended safety regulatory role of the European Aviation Safety Agency.
- Allowance for the quick, harmonised and interoperable coordination with other neighbouring countries and regions.

2.3. The international dimension

14. The Commission, alongside EASA and Eurocontrol, has maintained a strong presence in efforts addressing the wider international dimension. This has principally taken the form of contributing to and benefitting from the activities being undertaken under the auspices of ICAO International Volcanic Ash Task Force (IVATF). A lead development coming from this initiative, very much led by European participants, has been the development of guidance material for the 'Management of Flight Operations with Known or Forecast Volcanic Cloud Contamination'.
15. A first activity in this regard was the elaboration of a European paper that was tabled at ICAO's 37th Assembly. The overall message of the paper was to push for a **harmonised global approach**. Along with the guiding principles highlighted earlier in this document, these are goals being pursued by the respective organisations by their continued participation to associated activities.
16. Of specific note, considering the impact of the airspace closures in the early days of the crisis has been the effective review of the ICAO EUR Doc 019 '*Volcanic Ash Contingency Plan*'. As highlighted earlier in this note, a **volcanic eruption exercise will take place on 13/14 April** under the auspices of ICAO,

with the principal objective of testing and verifying the effectiveness of this revised version of the contingency plan, in association with the draft guidance material on the '*Management of Flight Operations with Known or Forecast Volcanic Cloud Contamination*'. It should be noted that the EACCC will be associated with this exercise, thereby also allowing for the testing and verification of its timely functionality. As a side note it should be noted that the Commission will monitor closely the exercise itself, but more importantly the results thereof to determine possible further actions that it might need to take in order to progress towards the end objective of having a harmonized approach by all concerned to such events.

17. The ongoing activities of the ICAO IVATF will continue to be participated and contributed to by the Commission, EASA and Eurocontrol, with the specific focus being on the elements of risk assessment, airworthiness and air traffic management.

2.4. Establishment of the Aviation Platform

18. The Aviation Platform has been established to engage aviation stakeholders in a dialogue to receive strategic advice regarding a sustainable future for air transport and a competitive future for the European aviation industry. On the basis of the platform's two meetings to date (20 October 2010 and 10 March 2011) as well as associated activities, the main conclusions so far include the need to:

- Ensure the full implementation of the Single Sky, as agreed by Governments.
- Extend the Single Sky principles to areas beyond the borders of the European Union
- Define an effective governance structure for the future deployment of SESAR

19. Moreover the Aviation Platform endorsed the initiative to establish a European "vision 2050" for aviation from a research and innovation perspective. A report in this regard will be presented at the Aeronautical Days 2011 in Madrid on 30 March to 1 April 2011.

2.5. Regulation on Air Passengers' rights

20. From the information provided by 17 national enforcement bodies (covering about 70% of the EU air transport market), it appears that a total of about 5200 passenger complaints related to the volcano ash crisis were received. Considering that millions of passengers were affected by the flight cancellations, this figure is relatively low. Most of these complaints related to a lack of information and assistance provided to stranded passengers. Many complaints also referred to excessive delays to receive the reimbursement of the flight ticket.
21. The Commission will draw the necessary lessons from this crisis – and other events - for the future of air passenger rights legislation and its application. In the coming weeks it will adopt a Communication on Regulation 261/2004 which will inform about the progress made with the application of the Regulation and announce (non-legislative) measures to improve its uniform application and enforcement across the EU. It will also announce the launch of an impact assessment that will assess further possible measures, including a possible revision of the Regulation.

2.6. Structural measures to favour a robust and interlinked European transport System

22. At the Transport Council of 2/3 December 2010 the Commission provided a brief on its initiative to strengthen the resilience of the European transport system by ensuring the uninterrupted mobility of passengers and goods in the event of a sudden transport crisis. At this occasion the Commission presented progress made in this regard, and highlighted the four issues it considered needed to be addressed in particular in order to move towards a European transport system which is resilient in case of disruptive events.
23. Member States were invited to send their contributions in this regard, but unfortunately to date the Commission has received no such contribution. The opportunity of this information note is therefore taken to reiterate the invitation.

3. CONCLUSIONS

24. The Commission has deployed all its efforts and taken concrete measures in order to implement without delay the Transport Ministers Council's conclusions.
25. The Commission has engaged and will continue to engage proactively in associated efforts and activities associated with:
- The development of acceptable risk assessment and risk management methodologies, in close cooperation with EASA, Eurocontrol and the Member States, Efforts will focus on risk containment for flight operations in airspace potentially contaminated by volcanic ash, and to this effect emphasis will be given to enhancing operational decision making.
 - The planned EASA rulemaking activities pertaining to Operational Risk Assessment, the definition and standardization of airworthiness data to be provided by engine manufacturers, and the future needs and content of Certification Standards.
 - The continued acceleration of the implementation of the Single European Sky, with the priority to the full implementation of the various measures needed to the realisation of the Single European Sky.
 - The identification and assessment of structural measures to favour a robust and interlinked European transport System to effectively face emergency situations.
26. The Commission will continue to permanently monitor the situation and reserves the right to take any initiative where necessary. It will duly inform the Council and the European Parliament.
