



European Low Fares Airlines Association

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Harmonization of Technical Requirements and Administrative Procedures in the Field of Civil Aviation

The European Low Fares Airline Association (ELFAA) represents 11 European low fares airlines from 10 European countries carrying approximately 49 million passengers or roughly 15% of air traffic in the EU. The low fares business model has been the key driver in the successful liberalisation of the European air transport sector and has fulfilled all of the objectives set by the EU Commission for liberalisation, including forcing the traditional flag carrier airlines to become more efficient and offer lower prices to consumers. Competition and lower fares have allowed ordinary European consumers to travel by air and have greatly facilitated the European integration process.

The members of ELFAA are therefore deeply concerned by the current proposals on the harmonisation of flight time limitations contained in Subpart Q of the amended Council Regulation 3922/91, which will reduce operational efficiency and the competitiveness of the European air transport sector. Flight time limitation is a matter of safety and ELFAA fully supports the promotion of certain absolute limits and common guiding principles. However, the confusion of industrial relations and safety regulation, as is demonstrably the case in elements of the draft Subpart Q, is not only wrong but it will also have the effect of reducing all airline crew scheduling to the inefficient levels of the traditional flag carrier airlines. The limits being proposed are far more restrictive than those which apply, for example, in the United States and unless these limits are applied equally to crews of foreign aircraft entering European airspace, they will have no credibility as safety standards.

Our members are supportive of a level playing field in the area of flight time limitations but any such harmonisation must not be a "one size fits all" approach which has the effect of protecting less efficient airlines from competition. Low fares airlines seek to optimise the efficiency of aircraft and crew by using efficient rostering of crew combined with FTL systems that are fully compliant with the respective national requirements. This has ensured safe and stable rosters for crew. By contrast and by way of example, the inflexibility of the British CAP 371 system, has highlighted the problems with inflexibility when regulating FTLs, i.e., extremely unstable rosters. Similarly, the inflexible approach proposed in Subpart Q will lead to unstable rosters, which will actually undermine the objectives of any FTL system.

It is particularly worrying that the proposed legislation has not been subjected to even the most rudimentary of economic impact assessment. For example, no effort has been made to assess how the legislation will affect the operations of the low fares airlines. Any assessment of Subpart Q quickly demonstrates that the current proposal is unworkable and will seriously damage the air transport industry. For example, the definition of "days off" is clearly not being addressed as a safety matter but more so as an industrial relations issue. Also, the provisions regarding rest in Section E are clearly illogical. There is no basis for suggesting that additional rest is required when undertaking a flight starting at a home base as opposed to starting away from a home base. These provisions again relate to industrial relations issues rather than safety issues.

Our members are currently in the process of drafting amendments that focus on certain key areas of the proposed Subpart Q. These proposed amendments will ensure that safety continues to be the priority of a harmonised flight time limitation system but will also promote efficiency and competition in the European air transport sector.



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In order for harmonisation of this highly technical area to be successful and for safety, operational efficiency and competitiveness to be assured, it is crucial that the operational model of the low fares sector is properly understood and factored into the final legislation.

Yours sincerely,

Wolfgang Kurth
President