

Should the European Aviation Safety Agency Hold It's Head in Shame?

The Judge in charge of the legal investigation into the Spanair MD80 accident, Javier Pérez, has concluded that all charges against Spanair's management should be dropped and only two maintenance engineers should face charges on 154 counts of involuntary manslaughter and 18 counts of negligence. To those far removed from the tragedy this may on the surface appear reasonable yet to industry insiders the decision is a complete affront to justice.

AEI (Aircraft Engineers International) has explicitly warned EASA for many years of the dangers of the ever weakening regulatory oversight system. In fact AEI, well before the Madrid accident, has consistently been warning of the urgent need to close regulatory loopholes surrounding the use of the MEL (minimum Equipment List) in order to ensure defects are properly and thoroughly diagnosed prior to flight. (The MEL list allows airlines to operate aircraft with defective systems for a limited time period). One of these loopholes caused the Spanair disaster.

Tragically the Spanair accident investigators have highlighted exactly the same issues in their accident report as raised previously by AEI. The report has in fact produced a safety recommendation (33/2011) as a result of their findings. This recommendation if adopted by EASA would ensure commercial airlines properly diagnose defects before the next departure thereby enhancing safety of the aircraft in question. With EASA's remit and duty to European citizens of ensuring the highest standards of aviation safety we would now expect this recommendation to be dealt with immediately rather than continuing with the blatant disregard we have witnessed to date. It is exactly this reluctance of EASA, Europe's premier safety agency to become involved in the safety standards war that allows some airlines to operate with second rate standards in place. As a consequence two aircraft engineers are now being used as scapegoats in order to ensure somebody is made responsible for this tragedy.

This totally unsatisfactory situation is further enhanced by what appears to be political and technical dithering of the European Union's Transport department (DG TREN). This department more than any other, seems to be embarking on an extremely hazardous path by encouraging ever more flexible rules and regulations whilst advocating more and more self regulation. This approach will result in further unnecessary tragedies.

If any positives can be drawn from the events of the past few days it would have been from the statements released by the Victims' Association of Spanair Flight JK5022, who described the Judge's decision 'bad for those affected, for the aviation sector and for all Spaniards.' The Association's spokesman and a survivor of the accident, Rafael Vidal, reportedly told the EFE news agency that the fact that three managers are no longer charged will, in his view, allow other airlines, 'to continue doing whatever they want', in matters of safety. This view is fully supported by AEI and we would encourage flight JK5022 victims association to echo our demand that EASA and the EC act immediately to prevent further catastrophes of this nature.

It appears by this latest judicial decision that any opportunity this tragedy has offered to improve aviation safety now appears to have been lost. Despite all the rhetoric about aviation safety being paramount, the introduction of safety and quality management systems, the simple fact remains that due to weak regulatory oversight, safety systems are not delivering what Europeans were promised – the highest common standards of safety in civil aviation.

Airline pilots and Aircraft maintenance engineers are licensed safety professionals. With pilot organisations also raising concerns about the current regulatory situation within Europe one would expect the response from EASA, the EU and all European national aviation authorities to be concern and ultimately action, rather than turning their back on air safety.

The general public should be shocked at this latest development because in the longer term, safety will be the ultimate victim of this process and if EASA does nothing more, tragedies will follow.