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Voluntary Disclosure Program in Jeopardy:

Chertsey 22 February: In the United States of America, attorneys suing Comair airlines for damages associated with the crash of Comair 5191 in August 2006 have persuaded the Court to allow them to use reports from the airline voluntary reporting system as part of their case. ALPA-I, the Federal Aviation Administration and the Flight Safety foundation have opposed the court decision.

The Comair program, called ASAP in the U.S., is funded by the airline and involves airline management, employees and the Federal Aviation Administration cooperating to review reports and recommend corrective safety action. Such proactive programs are widely believed to represent one of the best opportunities to continuously improve the safety and efficiency of the air transport system. Because the maintenance of such systems requires individuals and organizations to be very forthcoming, there has always been a concern that inappropriate use of the program output could possibly have a chilling effect on the willingness to continue.

The International Civil Aviation Organization has recognized this problem and responded with guidance for States in how to best encourage such programs.

The protection of safety information from inappropriate use is essential to ensure its continued availability, since the use of safety information for other than safety-related purposes may inhibit the future availability of such information, with an adverse effect on safety. This fact was recognized by the 35th Assembly of ICAO, which noted that existing national laws and regulations in many States may not adequately address the manner in which safety information is protected from inappropriate use ICAO Annex 13, Attachment E Paragraph I.I

IFALPA believes that the decision of the court in the Comair case may well cause other airlines to reconsider if the time and expense which they devote to their individual ASAP programs are in the best interest of their organizations. IFALPA further believes that such reevaluation, should it occur, would be a significant loss to worldwide efforts to enhance aviation safety.

IFALPA calls upon all States to enact legislation that will protect such sensitive safety information from inappropriate use and be consistent with each States safety responsibility.

Notes to Editors

The International Federation of Air Line Pilots' Associations represents in excess of 100,000 pilots in more than 95 countries world-wide. The mission of IFALPA is to be the global voice of airline pilots, promoting the highest level of aviation safety and security world-wide and providing services, support and representation to all of its Member Associations. See the Federation website www.ifalpa.org

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