



Paris, January 22, 2021

Dear President,  
Dear Vice-Presidents,  
Dear Honourable Members of the European Parliament,  
Ladies and Gentlemen, Coordinators of the Political Groups,

The Transport Committee will be hearing Mr Patrick Ky on Monday 25 January regarding the Boeing 737 Max re-certification.

As representatives of an association of families bereaved by the crash of flight ET-302, we would like to thank you for the opportunity to share our concerns about this re-certification.

You will recall that the Boeing 737 Max certification was suspended on 12 March 2019, two days after the crash of flight ET-302. On 28 October 2018, the same type of aircraft had crashed into the Java sea. In less than four months, Boeing 737 Max had taken the lives of 346 people, including 50 European citizens. These consecutive and deadly crashes have constituted an unprecedented failure for regulators and aviation safety professionals.

Today, we are not merely representatives of victims. First and foremost, we are European citizens who want to believe in a [European Union that together protects its citizens](#). Yet, **the Boeing 737 Max re-certification appears premature, inappropriate and even dangerous**. In support of our argument, please consider the attached technical note, which we have sent to EASA on 22 December 2020.

Since we have not yet received any reply to our concerns from EASA, we would be most grateful if you could pass on our queries to Mr Patrick Ky on Monday 25 January 2021.

## **EASA TRANSPARENCY**

1. In late November 2020, EASA launched a public consultation. We have submitted our contribution (technical note). We actually discovered and understood from Mr Patrick Ky's presentation to the European Parliament's [Transport Committee on 29 October 2020](#) (OJ16) that the decision to re-certify Boeing 737 Max had already been taken. As a result: what is the purpose of the public consultation? What will be its outcome?

2. How will EASA take into consideration the concerns and technical considerations shared by the public? Will EASA reply to the technical note that our association has drafted with the help of aeronautical engineers?
3. On 16 September 2020, we have met with Mr Patrick Ky by videoconference. On that day, he promised to hold an information meeting before any re-certification announcement, as his American counterpart had done. Why has he failed to uphold his commitment?
4. According to [Regulation 996/2010](#), which the European Parliament had initiated, national governments and airline companies must provide clear information to flight victims and their families. Can Mr Patrick Ky commit that EASA will abide by this European Regulation and improve its transparency? When will EASA provide all the details about how it proceeded with the Boeing 737 Max re-certification?
5. When will EASA publish the name of airline companies that will operate the Boeing 737 Max in European skies?

## EASA RIGOUR

On 8 January 2021, Boeing and the United States government announced they had reached a \$2.5 billion financial settlement to terminate the criminal case against the aircraft manufacturer. The agreement acknowledges that "[Boeing's employees chose the path of profit over candour by concealing material information from the FAA concerning the operation of its 737 Max aircraft and engaging in an effort to cover up their deception.](#)"

Following its own [FAA investigation report](#), the United States Senate also introduced a bill to reform the federal agency's functioning (see both documents attached).

1. Does Mr Patrick Ky believe that EASA's current procedures could have prevented Boeing's fraudulent behaviour? What guarantees can EASA provide that Boeing representatives have not concealed material information? With regard to Boeing's guilty plea agreement with the US State signed on 8 January 2021, has the EASA carried out a legal analysis to see whether it was itself a victim, like the FAA, of behaviour by Boeing likely to be classified as criminal?
2. Has Mr Ky read the US Senate's investigation report and the FAA reform project? In his view, does EASA procedures currently abide by the provisions and guarantees sought by the American legislator?  
If not, we hope that the European Parliament's Transport Committee will consider the proposed FAA reform to improve EASA's procedures.

3. These crashes have revealed a weakness in our trust-based regulatory system: if the primary certification authority is failing, there is absolutely no safeguard. What do you plan to do in order to correct this vulnerability which led to the death of 346 people ?

## **EASA INDEPENDENCE**

The international media has widely covered the significant geopolitical, industrial, commercial, and financial stakes of Boeing 737 Max's grounding. In this regard:

1. How can EASA guarantee to the European public that the decision to re-certify has been taken in the name of their safety alone?
2. Which are the precise and concrete guarantees of EASA's independence throughout the Boeing 737 Max re-certification?
3. Has EASA been subject to external pressures from Boeing, airline companies or national authorities?
4. Is EASA aware of [Boeing's commercial conditions to airline companies](#) that would rapidly carry passengers with a Boeing 737 Max?
5. Given the limitations the pandemic imposes on air traffic, has EASA identified any particular urgency to grant Boeing 737 Max the right to fly again? Aside from Boeing, who has requested the re-certification of 737 Max?

## **IMPLEMENTATION AND RESPONSIBILITY**

1. Boeing introduced MCAS after concluding that the 737 MAX was not certifiable without. Boeing even expanded its power during development to achieve compliance. Now EASA is downplaying the need of MCAS and claiming that the 737 MAX has safe characteristics even without a functioning MCAS. Do you consider that Boeing made a terrible mistake by introducing this deadly and unnecessarily oversized system on the 737 Max ?
2. How has EASA associated European pilot organisations to the re-certification Of Boeing 737 Max? How has EASA certified the new training procedures for pilots? How will it control their implementation?
3. Has EASA set up a rapid alert system for any incident involving a Boeing 737 Max?
4. Who will bear legal responsibility in case of another crash? Are EASA and its personnel immune to any liability concerning their role in the Boeing 737 Max re-certification ?

## **RIGHT OF INFORMATION AND WITHDRAWAL**

We also expect the Transport Committee to initiate a debate on improving information for European travellers. Given the concerns about Boeing 737 Max's re-certification, we believe that airline passengers should have a right to information regarding the type of aircraft that will carry them to destination. In the United States, US lawmakers have given a right of withdrawal to any passenger who does not wish to fly on a Boeing 737 Max. As part of a reform of European rules on air passenger rights, would it be possible to provide the same guarantee to passengers in the European Union?

Honourable Members of the European Parliament, we would be most grateful if you would relay our questions to Mr Patrick Ky on Monday 25 January.

We hope you will be able to guarantee that the Boeing 737 Max re-certification has followed the principles of transparency, independence and rigour that any European agency should abide by.

Most importantly, we hope that the democratic institution that represents European citizens will confirm that the Boeing 737 Max re-certification will uphold their right to safety.

We thank you for your time and consideration,

Yours sincerely,

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*President*  
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