

European Aviation Safety Agency

SAFETY STANDARDS CONSULTATIVE COMMITTEE

MINUTES OF 1ST MEETING 2008

19 JUNE 2008

Opening and around the table

The Chair, Martin Ambrose, opened the meeting and invited participants to introduce themselves.

Adoption of Agenda

The agenda was adopted with a request for an update by the Agency concerning SMS status. This was agreed.

Adoption of minutes of the previous meeting and actions arising – WP 00

The final draft minutes 2-2007 were adopted with one spelling correction.

The action table was displayed and a verbal debrief was given on each item. The action table is amended accordingly.

1. Sub-Committee Reports

The Chair invited Sub-Committee Chairs to present their previous day meeting reports. (Cfr. Sub-committees presentations) Specific items raised were as follows:

Design and Manufacturing

- **MDM.040 de-icing/anti-icing** : ADs are not the appropriate tools to manage the issue. Maintenance documents should be updated by the TC Holder to include relevant instructions.
- **Task 25.055 Fuel system low level indication**: As a complementary point concerning the fuel low level indication task, one member commented that the subject needed to be handled carefully as it is primarily a safety matter.
- **21.024(b) Future of DOA**: The evolution of the DOA system should continue in the direction of giving more tasks/privileges to design organisations with the Agency retaining technical competence. Rulemaking is needed, together with co-ordination with industry to share the concept and to support adoption initiatives.
- **MDM.003 Flight Testing**: Sub-Committee briefed by the Agency. Meeting with flight test community proposed for September. Industry strongly recommends a transparent approach to the follow-on rule making initiative.
- **BR.004 Environmental Requirements**: Agency explanations appreciated and helped taking away some concerns. There were many fundamental questions and hence an extension of the comment period is requested. Safety must not be degraded - the subject is a community matter with many stakeholders. A major concern is the adequacy of consideration of existing fleets. A workshop is requested.
- **MDM.047 Harmonisation of existing rules with the new Basic Regulation and its new Implementing Rules (IR)** - subject also interacts with SMS implementation.
- Rulemaking programme and advanced planning papers and functioning of sub committees were also discussed.

The Agency made the following comments in response

- MDM.040 de-icing/anti-icing is a complex subject addressing many domains within and outside EASA competence; such is the reason why it became the subject of an A-NPA so as to explore non-regulatory options when regulation is not possible.
- On the NPA on flight testing, the Agency explained that it has interface issues with the NPA on FCL that needed due consideration. It was sympathetic to a dialogue with stakeholders.
- On a final point the Agency commented on the LR OPS task where EASA has a different viewpoint to the proposal presented by ICAO in State Letter 07/047. This case shows the need for the European Community to develop its position in independence from ICAO, and represent a common view through all participants in subject ICAO meetings. such is the reason why the Agency envisages now issuing A-NPAs to determine European preferred options in parallel with the ICAO process. This is also the reason for tasks BR.008(a), 008(b) and 009 that should provide for an open process to support European positions in CAEP.

Engineering & Maintenance

- **MDM.040 De/Anti-icing - CRD to NPA 2004-11:** Operators of regional aircraft continue to have concerns about the standards applied by service providers and issues with re-hydration of thicker fluids. Positive action by the Agency was requested.
- **Corrosion to U/C brakes:** SIN 2008-19 was issued on 13 March '08. This was most welcome. FAA has taken similar action. Focus is on carbon brakes.
- **Use of on-line maintenance data (for issue of CRS):** Legal/commercial response from Agency is understood. Concerns still exist if hard info is the primary source for Instructions for Continuing Airworthiness (ICA) and the on-line data is secondary. Potential safety issue apparent if ICA and on-line data are not synchronised. Finally the original vendor problem is being investigated with the intention to close the subject.
- **MDM.022 - Fuel Tank Safety Training:** Amended timescales and timing requirements (NPA 2008-16) welcomed. Similar difficulties need to be avoided in the future.
- **MDM.020 Definition of Critical Systems:** There is concern about the lack of industry participation in this initiative. The renewed Agency call for industry rulemaking group members is understood and supported.
- **PCM Contact List:** Subject raised again. Despite the matter being closed in the SSCC meeting - the matter does not seem to be resolved.
- **Functioning of Sub Committees:** Comprehensive discussion had taken place on the topic, including Sub-Committee TORs, meeting frequency, documentation, etc.

The Agency made the following comments in response:

- With regard to the approval of repair data originating in USA - this is a longstanding issue which is now being worked on by the Agency's International Cooperation department. It was clarified that the BASA agreement supersedes the EASA rules and that the BASA definitions are therefore applicable. The only way to solve the issue would appear to be to develop special orders equivalent to the US counterparts. The SSCC would be advised concerning progress in this area.
- Activity is also taking place on the subject of improved Regulatory Impact Assessment (RIA). Economist has been hired to set-up the function. The Agency will invite industry for support on this task.

- On the administrative side, the Agency will investigate how it can improve its document management and provision of one single planning document (e.g. excel) to help address some of the concerns of the SSCC.
- As to the PCM list, industry was advised to raise the issue to the Certification Directorate.
- Finally the Agency intends to be proactive in the General Aviation area. With regard to the B4 license for engineers, the Agency fears that too many licenses may create confusion and could become a barrier for attracting qualified experts. It plans to hold a brainstorming meeting to define the best approach to the matter with the intention of producing a policy paper for discussion within SSCC.

Flight Standards

- Rule making programmes supported - no significant adverse comments.
- Difficulties with IP01 & IP02 were reported. According to the Sub-Committee, IP01 does not correctly reflect its priorities; additionally, IP02 missed comments made by the Sub-Committee at its last meeting.
- FCL.004 – Cruise relief co-pilot licensing requirements - group approach proposed but support was weak as only 2 operators are using this concept.
- FCL.005 – Non-technical skills assessment – not considered a priority.
- OPS.023 – FDR recording of cabin altitude - 'Do nothing' option supported.
- More generally there was some adverse comment about document structure.

The Agency made the following comments in response:

- The Agency explained that inputs on Papers IP01 and IP02 came from the subcommittee's report that no one contested so far; if there are omissions or mistakes, they should be corrected with the help of the Sub-Committee members and IP 02 should be revised. The Agency stressed indeed that if an accident occurred in the future in which the setting of rulemaking priorities would be questioned, it would be essential that reports on the actions taken presented justifications in a reasonable manner for the decided rulemaking priorities. In the present case it is believed that such changes would not affect priorities of the 2009 rulemaking programme and advance planning.
- The pre-RIAs for the new tasks will be ready by November 2008.
- With regard to task FCL.004, the Agency advised industry about making use of article 14 of the Basic Regulation instead of initiating rulemaking.

The Chair brought the discussions to a close by summarising the report areas that warranted improvement, as follows:

- Asked for the Agency views about the functioning of the full SSCC and its subcommittees.
- Slicker document management system needed for the SSCC and its subcommittees.
- Where possible the use of a single all inclusive document would be beneficial for all the planning documents. 'Smart' documents should be investigated for suitability.
- Welcomed the new approach for IP01, although refinement is needed to address comments expressed by the Flight Standards subcommittee Chair.
- SSCC members invited to spend more time checking meeting minutes for accuracy.

- He agreed with the Design & Manufacturing subcommittee Chair that work is done at subcommittee level.

The Agency made the following closing comments:

- The SSCC had been in place for 4 years - it was time to assess where we had come from and where we were going to.
- The Agency needs SSCC advice on work priorities, identification of working methods, etc.
- The SSCC cannot be reduced to an information forum, it has to remain manager of the process. Rather it has to focus on policy matters related to rulemaking. Certain tasks have to be dealt with and discussions on different views have to take place.
- The Agency was surprised by the industry reaction to the Environmental Protection NPA - the sudden reaction that it had aroused was unexpected. SSCC should proactively suggest for high level discussions on important matters.
- Overall the Agency was satisfied about the nature of the SSCC development. The Sub CC approach was favoured and co-operation had generally developed well.

The Design & Manufacturing subcommittee Chair agreed with the Agency comments.

The Chairman invited comment from other Committee members.

Mr Mather was generally satisfied with CIRCA and believes that members should do their homework.

Mr Kraan felt that it was important to give priority to policy matters whenever needed.

Ms Enger advised focusing more on policy and overreaching matters.

Mr Desrosier said it was important to recognise that to get maximum value from the Committee it was necessary to put more into it. Members should communicate better with their organisations. He was generally satisfied with the Agency's planning process.

The Agency said that an accident can happen at any time and it is necessary for the job to be done properly - 'highest value of our collective work'.

Information Paper 01: SSCC Sub Committee Recommendations for Rulemaking

The Chair proposed and members agreed that this paper did not require further review by the Committee at this stage, following the in-depth discussions which had occurred during the Sub Committee reports. The Agency invited members to submit comments for improvements in writing.

Action required:

1. The Agency shall produce policy paper on the subject of engineer licensing (B4 license).
2. The Agency to look into means to improve documents/document management system to better support SSCC work.
3. SSCC shall submit comments for improvements on IP01 in writing.
4. The Agency to update IP02 on the CRD to rulemaking programme with feedback from the Flight Standards subcommittee.

2. 2008 Rulemaking Programme

Working Paper 01 Revised EASA 2008 Rulemaking Programme

The Chair asked for comments on WP01, bearing in mind that the content of the paper had already received some comment during previous agenda item. The Agency provided an update on the

targeted date for publication of the NPAs for IR on OPS/FCL, which are delayed due to the late issue of the new Basic Regulation and requests by rulemaking groups' members to be provided with more time to mature the content of the NPAs:

- NPA on flight crew licensing (FCL) was published early June with a deadline for comment, early September; this deadline will be adjusted to take into account the timing of the other NPAs;
- Two NPAs, respectively on authority requirements (equivalent to the sections B of the existing Parts) and management systems are due to be issued in August with a deadline for comment in November. This provides for an overlap with the NPA on FCL and allows stakeholders to have a global view on the content of the published draft rules;
- NPA on air operations targeted for mid-September;
- NPA on operational suitability certificate targeted for November
- NPA on third country operators/aircraft planned for early January;

The related opinions are due to be issued in the first half of 2009 and expected to be processed in one package by the Commission.

Also the Agency clarified that it continues to work on the Consistency of Organisation Approvals, initiated in the JAA, to align the requirements for the approval of organisations subject to Part 21, 145 and 147 with those in the future MS IR with the view to allow for approval of all organisations under one umbrella.

Furthermore, the Agency said that the NPA on Environmental Protection was delayed to avoid overloading the system and that the NPA on Electronic Flight Bags (task 20.002) was delayed at the rulemaking group's request.

A discussion followed concerning rulemaking timescales/workload which was very high due to concurrent NPA activity. Members commented that there were interfaces between the NPA FCL and the NPA on Management Systems. Also some items which were in the JAR OPS have been moved to the NPA on FCL. Members saw a need to be able to see what was still in the NPA on OPS, whilst commenting on the NPA on FCL. This would not be possible with the established NPA comment periods. As a result requests had already been made to delay some of the NPA comment dates, the NPA on FCL was an example of this. Additionally the NPA on Environmental Protection had been published at the end of May, further complicating the situation.

Finally, a number of SSCC members asked, in the circumstances, if NPA comments might be combined and submitted via trade organisations. Concerns were also expressed as to whether this might reduce their influence. The Agency responded that the quality of the input was more important than the quantity. Additionally, the CRT tool provides for the possibility to put comments as an individual, or a trade organisation.

The Chair asked the Agency to take note of the Committee's views in their revised rulemaking planning process and to keep the SSCC in the picture concerning proposed revisions to the rulemaking programme. Considering the available human resources in rulemaking and the capacity limits of the comment-response tool, the Agency has to phase the publication and the comment deadlines for the FCL and OPS NPA's. However the Agency agreed to revise the timeframes of the comment date of NPAs, extending the deadline for comments on the NPA on FCL and advancing the publication of NPA on OPS, in order to provide some overlap between the respective consultation periods. It will also reflect on the deadline for comments of the NPA on Environmental Protection.

Following Agency's explanations, the SSCC supported the revised 2008 rulemaking programme.

Action required:

5. The Agency will consider the appropriate timeframes of the comment date of the NPAs on OPS/FCL.

3. 2009 Rulemaking Programme

Working Paper 02: Draft 2009 Rulemaking Programme

The Chair requested an update on task MDM.047 safety management systems. The Agency informed that EU-OPS is not fully compliant with the ICAO SMS concept. The Commission does not plan to make changes to EU-OPS so the NPA on management systems will address most of the ICAO SMS requirements. In the area of airworthiness, the Agency will align the current Parts with the SMS concept through task MDM.047. Moreover, at the recent FAA/EASA conference in St. Petersburg, it was concluded that there were some shortcomings in the ICAO SMS concept, in particular as regards the need to define an “acceptable level of safety” in the States safety programmes. ICAO agreed to reconsider these issues. The subject will be presented to the Air Navigation Commission for review. It is likely that an ICAO working group will be formed to review the SMS requirements. The question exists as to when this working group would finish its work. The Agency will advise the Committee on progress.

At the request of the Engineering & Maintenance subcommittee Chair, as to whether Member States may impose additional requirements on organisations, the Agency clarified that the rules are set in the IRs and that Member States cannot go beyond what is stated in there.

The Committee concluded that the 2009 rulemaking programme reflects the priorities of industry.

4. 2009 Advance Planning

Working Paper 03: Draft 2009 Advance Planning

The Agency introduced briefly the subject and drew the attention of the SSCC on the fact that it may have to be complemented by a new task on the acceptance of foreign product and parts.

This is a complex issue that had arisen concerning foreign manufacturers seeking to provide their products within EASA countries. The Agency explained that nothing can be fit on a European aircraft without an EASA Form 1. Foreign manufacturers can only issue EASA Form 1 if POA approved.

There are thought to be 3 possible ways of addressing this approval matter:

- Establish Bilateral Agreement with countries in question;
- The Agency can issue a POA, which would allow the foreign organisation issuing an EASA Form 1.
- The Agency can change article 4.2 of the Basic Regulation to accept foreign release forms. This may create safety issues due to the multiplication of foreign forms issued in various languages, in workshops.

Chair asked the Agency to prepare a policy paper for the Committee summarising the problem and providing the Agency position on the subject.

The SSCC expressed a positive opinion on WP03.

Action required:

6. The Agency to produce a policy paper making recommendations’ as to the best way ahead concerning approval of foreign parts within EASA countries.

5. Functioning of Sub Committees

Working Paper 04a: Modified Terms of Reference

Working Paper 04b: Modified Rules of Procedure

Both Papers were agreed with one change to the modified Terms of Reference to address numbers of alternates attending meetings, as follows:

- Para 2.3, add final sentence:

'Refer to item 8.7 representation at sub-committee meetings.'

6. AOB

Planning for future meetings, including workshops

The following meeting dates were agreed:

SSCC Meetings: 10/11 June 2009

Workshops: Part M - 4 July 2008

Single/multiple releases - October 2008

Operations Suitability Certificate - November 2008

Members Consent Form

Information Paper 03: Background paper on the subject.

Consent Forms were circulated for signature at lunch-time. Some members were concerned that the publication of private e-mail addresses might accentuate spam problems. It was agreed that e-mail addresses would not be published on individual request.

Action required:

7. Members to fill the consent form and specify whether they want to keep their e-mail address confidential.

Global Cabin Air Quality (GCAQE) Press Release

Included for information - no comment.

Amended Comitology Process - IP 05

The Chair thanked the Agency for the helpful presentation and asked for an associated flow diagram and an abbreviation summary to be provided.

Top 10 Policy Issues -IP06

SSCC had no further comment at this stage. The Agency requested SSCC members' feedback on the content of the Paper, in particular if any disagreement arose.

The Chair closed the meeting at 15:30 hours, thanking Mr Probst on behalf of the Committee for his valuable contribution to the SSCC since its formation and wishing him a very happy retirement. He also thanked MMr Engler/Vedrenne for their active involvement.

Actions table

Action #	What	Who	When	Status	Comments
1-11-2006	Provide the Agency with an inventory of all possible consequences of the new regulatory framework (GERT).	Committee		C	The Agency clarified that the GERT was only an attempt to propose a logical structure for the future set of Community implementing rules; in view of the reactions it was concluded so far that the best was to ask the OPS.001 and FCL.0001 groups to propose a format for such rules, including a regulatory impact assessment thereof. Any possible adaptation of existing rules' format is not urgent and will be dealt with on a case by case basis. It is considered therefore the issue as closed.
2-3-2006	Issue a Safety Information Notice on serious corrosion of U/C brakes.	Agency		C	Agency follows work of SAE G12 working group that is pursuing an amendment to AMS 1435 and 1431 so as to introduce corrosion protection against carbon oxidation. Subsequently, the Agency will issue a notice. Additionally, the Agency met with GASR to bring this matter to their attention. The Safety Information Notice has been published. Item closed.
2-5-2006	Organise a workshop on "online maintenance data".	Agency		C	The Agency pointed out that Part 21 correctly reflects the design holder obligations in this regard. In addition, the Agency consulted the Commission who considers this to be a competition issue (eg abuse of dominant position) if OEMs withhold maintenance information, which hinders competition. Such issues should be dealt with on a case by case basis and brought to the national courts or competition authorities. Similar situations exist in other manufacturing sectors, so that jurisprudence certainly exists. About OEM website waivers, the Commission considers that they have the right to protect their IPR and therefore to publish such disclaimers. Furthermore, the OEM may sign contracts with interested parties for the sharing of such information but the contract value should reflect the value-

					<p>added brought by the OEM to such documentation.</p> <p>The Chair said that this issue was also addressed in E&M Subcommittee presentation. Another member said that there is a commercial element and practical ones. When data is made available on the website such caveats should disappear. Another member said that some times OEMs apply national regulations that prevent the distribution of such information. Item closed.</p>
1-14-2007	Verify and align the terms of reference for task 147.004.	Agency	ASAP	C	Action superseded.
2-1-2007	Provide eventual observations on the Agency's position paper with regard the lessons learned on task 21.039.	SSCC	Before the next meeting	C	The Agency received a paper from the manufacturing industry to which it will respond. Item closed.
2-2-2007	Provide the secretary the response letter from the Commission to ASD with regard the conversion of non-SI into metric units (Re. 2-16-2006).	Agency		O	
2-3-2007	Consider initiating rulemaking for the "open rotor power plant" engine.	Agency		C	<p>Rules for environmental aspects under consideration. Safety aspects can be handled through special conditions that can be integrated in CS-E. Members advocated for the productions of standards in parallel with technological development. The Agency will also contribute to the CAEP process where it shall demonstrate that the environmental risks are reasonable. The Agency plans to follow-up development through participation at RTD projects. Additionally, the Agency will cooperate with FAA and T/Canada on subject. The Agency has put BR.007 on the Rulemaking Programme. The approach was endorsed by SSCC.</p>
2-4-2007	Make suggestions on how to improve the communication with the Agency on issues of strategic nature.	SSCC	Before the next meeting	C	On SSCC Meeting Agenda (19-6-08).
2-5-2007	Review the decision with respect the Vice-Chair.	E&M subcommittee	At the next meeting	O	The Sub-Committee asked for volunteers, but found none. There is then no Vice-Chair.
2-6-2007	Examine whether the draft NPA on single/multiple	Agency	ASAP	C	E&M Sub-Committee agreed with the Agency clarifications.

	releases (task 145.012) diverges from the terms of reference objectives.				Closed here.
2-7-2007	Consider the inclusion of a task on light B2 license (B4) in the future rulemaking programme.	Agency	ASAP	C	E&M Sub-Committee suggested to accelerate task. This task is now superseded by task1-1-2008.
2-8-2007	Review the priority list and take a position on each individual task during the subcommittee's March meetings.	Agency	Before the next meeting	C	On SSCC Meeting Agenda (19-6-08)
2-9-2007	Consider re-instating the industry meetings.	Agency	Before the next meeting	C	Agency not supportive because the last industry meetings were not well attended. Ad hoc and bilateral meetings favoured instead. E&M Sub-Committee Chair said that they were very useful and allowed stakeholders to get a good view on the Agency's scope of work. He advocated for continuation of this forum. Subject to be raised at EAB as a policy matter.
2-10-2007	Assess whether the reported AD issue needs to be addressed.	Agency	Before the next meeting	O	The Agency verified and reported that it has no obligation to report cost implication whilst comments / answers are part of the corresponding CRD. The Agency ADs are standardised and clear. Agency invited industry to make proposals for improvement through the CRD process or by contacting the AD department. Item closed.
2-11-2007	Indicate JAA OPS/FCL tasks that need to be initiated as a matter of priority after the publication of the NPA on OPS/FCL implementing rules.	SSCC	preferably before the end of the year	C	Closed here
2-12-2007	Submit inputs on priorities for future rulemaking.	SSCC	Before end of March 2008	C	Closed here
2-13-2007	Indicate rules that need to be harmonised with foreign authorities.	SSCC	Before end of March 2008	C	Closed here
2-14-2007	Provide comments on revised ToRs for the SSCC and its subcommittees.	Subcommittee Chairs	by March 2008	C	Closed here
2-15-2007	Provide its views on the special conditions to be transposed into the CSs.	SSCC	by March 2008	C	On SSCC Meeting Agenda (19-6-08).
2-16-2007	Add a column in the draft programmes to indicate the	Agency		C	Concept adopted. Item closed.

	top 10 policy tasks.				
2-17-2007	Inform applicants for membership to the Committee on the Agency's decision	Agency	ASAP	C	Actioned
2-18-2007	Submit ideas for possible short-term studies, with a short explanation.	SSCC	Before end February 2008	C	Agency has invited Industry to make proposals.
1-1-2008	Produce Policy Paper on the subject of Engineer Licensing (B4 licence).	Agency	ASAP	O	
1-2-2008	Improve documents/document management system to better support SSCC work	Agency	ASAP	O	
1-3-2008	Review Rulemaking NPA publication schedule conflicts and revise programme to improve workload situation.	Agency	ASAP	O	
1-4-2008	Submit comments for improving IP01.	Members	ASAP	O	
1-5-2008	Update IP02 on CRD to the rulemaking programme.	Agency	ASAP	O	
1-6-2008	Issue a revised agenda for the NPAs related to the EASA extension.	Agency	ASAP	O	
1-7-2008	Produce White Paper making recommendations as to the best way ahead concerning approval of foreign parts within EASA countries.	Agency	Nest SSCC	O	
1-8-2008	Fill-in consent form and notify confidentiality needs.	Members	ASAP	O	

Legend & codes:

O: Open

C: Closed (The items indicated as closed will disappear from the table in the next minutes)

~: Continuous

WP: Working Paper

IP: Information Paper

X-X-200X: meeting reference – item - year

List of participants

Members

Martin AMBROSE (SSCC Chair)

Alfred VLASEK

Robert ALWAY

Thomas LEOFF

Alternates

Walter DESROSIER

Adrie Kraan (alternate Gerald MACK)

Inger-Helene ENGER

Michel Gaubert (Alternate Catherine GATHIER)

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