

## European Aviation Safety Agency

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### SAFETY STANDARDS CONSULTATIVE COMMITTEE

24.02.2005 – MINUTES OF 1<sup>ST</sup> MEETING 2005

#### **Approval of the Agenda**

The agenda was adopted with the inclusion of three additional items, one on “Report from SSCC sub-committees Chair’ and two under AOB on “Publication of alternative means of compliance” and “National Variants”.

#### **Previous meeting’s minutes adoption and actions arising**

The previous meeting’s minutes were approved as written.

The associated action table was reviewed and amended as suggested.

#### **1. SSCC Terms of Reference and Rule of Procedure – WP01**

The Chair explained in brief the process followed for the development of this document aiming at striking a balance between the willingness of some SSCC members to review all rules developed by the Agency and the Agency’s obligation to remain fully independent when making its decisions. It was agreed that both parties will apply the good faith principle in their working relations and the exchange of information.

One member insisted that sub-committees should have the possibility to comment on rulemaking deliverables before they are published or adopted. The Agency recalled its offer to provide the SSCC with appropriate material to allow it commenting on a short list of jointly identified rulemaking tasks as described in point 8.10.7 of SSCC ToR and RoP.

One member highlighted some inconsistencies between SSCC ToR and RoP and the Sub-committees ToR, in particular on the election of the sub-committees chair by its members. It was agreed that some revision should be done to avoid such obvious mistakes.

Following these clarifications, the Committee adopted the SSCC ToR and RoP version 7, subject to the above mentioned adjustments.

#### Action required:

1. The Chair will adjust the SSCC ToR and RoP along the above conclusions;

#### **2. Report from the elected SSCC sub-committee chairs**

##### *Engineering and Maintenance*

The Chair – Martin Ambrose - presented the five main priorities for the 2005 rulemaking programme, the recommendations for the 2006/2009 advance planning and its contribution on the 12 draft Terms of Reference as per document “Report of First Meeting held on 23 February 2005”. He explained that some items should be deleted due to their low contribution to improving safety. This view was not shared by some other members. One member in particular insisted that the item “licenses for the

component maintenance certifying staff” be maintained because it is a safety improvement and consistent with the Agency’s statutory objectives.

### *Operations and Licensing*

The Chair – Fons Schaefer – circulated the adopted sub-committee ToR and RoP and the meeting’s minutes of 23-2-2005, including a prioritisation of tasks for the 2005 rulemaking programme and the advance planning.

### *Design and Manufacturing*

The Chair – Wolfgang Engler – briefed the meeting on issues covered by the sub-committee and presented the priority tasks for the 2005 rulemaking programme as per document “Summary of the working session on 23 February”.

### *General discussion*

A discussion took place on issues of common interest and the following conclusions were drawn by the Chair:

- Overlapping areas between the three sub-committees: The Chair recalled that no sub-committee had exclusivity in a particular field and that other sub-committees may comment to the full SSCC on areas of interest or when they feel affected. He recommended limiting the sub-committees scope of work to point 8 of the SSCC ToR and RoP.
- 25% representative attendee’s quorum: The Chair explained that his proposal was only a suggestion, open for debate by the members. When there is a need for particular expertise and/or high workload for SSCC members, they may appoint non-SSCC experts. SSCC agreed to use the percentage as a guide and not as mandatory. However, attention should be paid to limit the number of participants to an appropriate level.
- Review of the sub-committee ToR and RoP: After a debate, it was agreed that the sub-committee Chairs will elaborate a workable co-ordination/cooperation process on cross-reference issues and will refine their respective ToR and RoP accordingly. The revised version of ToR and RoP will be submitted to the Agency for comments.
- Outline of future sub-committees meetings: The members agreed to hold two annual meetings of 1,5 days consisting of:
  - Half day for the sub-committee meeting;
  - Half day for the co-ordination of the sub-committees chairs (next day);
  - Followed by a half day for the full SSCC.

The Chair expressed his satisfaction on the sub-committee output and considered that significant progress was achieved when compared to the previous meetings.

The Agency had similar feelings about progress achieved and was willing to collaborate in good faith on the basis of the above work approach. However, the Agency indicated that limited feedback was given on identifying rulemaking tasks of significant interest (paragraph 8.10.4 of SSCC ToR and RoP) and recommended to pay further attention to this issue.

#### Action required:

2. SSCC secretary to publish sub-committees documents on the Circa site;

3. The sub-committee Chairs will submit to the Agency the revised ToR and RoP for comments;

### **3. 2005 Rulemaking programme – WP02 and WP03**

*State of implementation of the 2004 rulemaking programme*

*Discussion and adoption of the revised 2005 rulemaking programme*

The Agency provided an update status of the 2004 rulemaking programme as per the document “implementation status 2004”, and outlined the general intent of the WP02.

The Sub-Committees Chairs referred to their meeting minutes for the 2005 task prioritisation. On the below listed items, members had either expressed opposite views or are still waiting for the Agency’s feedback. The Committee agreed to further debate on those issues at their next meeting.

- MMEL (JOEB) – proposed new task: The Agency indicated its intention to take over JOEB work but has first to verify whether it has the legal basis to do so.
- Global line station networks required by operators (proposed new task): some members proposed to amend Part 66 and Part 147 to allow duly authorised “foreign” licensed personnel to certify, if called upon to do so outside of their “native territory”.
- Overhead bin safety (task 25.047): One member disagreed with the proposal made by the Design and Manufacturing Sub-Committee.
- Components (task 66.014): One member disagreed with the proposal made by the Maintenance and Engineering Sub-committee.

The Committee invited the Agency to produce guidance material within the year following the adoption of the related regulation or certification specification. The Agency will do its best to respect this timeframe. In this respect, the Agency recalled the policy paper it issued on ways and means to limit the production of AMC/GM to the strictly necessary ones.

The Agency finally outlined the intended planning for Part M revisions, taking into account the institutional decision making process and the dates of entry into force of its provisions, widespread until the end of 2008.

*Methodology for prioritisation of rulemaking tasks*

The Agency reported on the rational used for the development of this methodology. Following a debate within the Committee, the members agreed, as a general conclusion, to use the sub-committees expertise for the prioritisation of rulemaking tasks and confirmed that the methodology should be used only to reach consensus among the SSCC members on contentious issues.

Action required:

4. The Agency to provide legal opinion on taking over JOEB work from JAA;
5. The Agency will pursue work on WP02, taking into account the sub-committees comments;

#### **4. Preparatory work for 2006 rulemaking programme and 2007-2009 advance planning – WP04**

The Agency reported on the work approach and the planning for the development and the adoption of the 2006 rulemaking programme. It envisages submitting the draft 2006 rulemaking programme in due time for a Committee's opinion by its June meeting. The Agency expects therefore an urgent SSCC advice on missing and urgent tasks. To support the Committees work, the Agency will publish preliminary regulatory impact assessment on tasks to be initiated in 2006 before the end of April. It then expects members or sub-committees comments by the end of May.

##### Action required:

6. The Agency shall publish before the end of April a number of pre-RIA for tasks initiated in 2006, except for tasks already included in the 2004 or 2005 rulemaking programmes;
7. The Committee shall submit written comments by the end of May;
8. The Agency will publish the draft 2006 rulemaking programme for discussion at the next meeting (28/6)

#### **5. SSCC decision on available draft Terms of Reference for rulemaking tasks – WP05**

The sub-committees provided their views regarding the draft Terms of Reference and proposed names for future drafting groups. The Chair emphasized that for multidisciplinary tasks, the three sub-committees have to ensure thorough co-ordination and provide the appropriate expertise in the drafting groups, while keeping in mind that groups' sizes shall remain under control.

The Agency noted SSCC request to provide an update on the active Terms of Reference in order to allow the Committee to assess progress made in this regard.

##### Action required:

9. The Agency to produce an update status on active and future Terms of Reference, including the composition of the drafting groups;

#### **6. Internal procedures for implantation of the rulemaking procedure**

The Agency briefed SSCC on the purpose and schedule of paper IN01. It envisages finalising the internal rulemaking procedures manual in summer 2006. The Committee was invited to provide his comments on the paper, in particular the project deliverables (section 2.3), and to nominate an SSCC representative in the steering group.

##### Action required:

10. The Chair will draft a proposal along the above lines, for debate, at the next meeting;

#### **7. AOB**

##### Publication of alternative means of compliance

The Committee queried Agency's intention as regards the publication of alternative means of compliance. Furthermore precision is needed on the scope of the rules covered e.g. Implementing rules only or Certification Specifications (CS) as well. If

CS are covered as well, the amount of work linked to the publication needs to be estimated. The Agency reiterated that this policy covers only acceptable means of compliance and that nor the Agency neither the Members States can deviate from the IRs. It continued explaining that it has the obligation to ensure transparency so as to avoid suspicions of discrimination among applicants. It therefore intends to publish the said documents.

The Committee understood that AMCs and alternative AMC are related to public domain information and can be handled as such, but that proprietary information be protected when doing so. The Agency recalled that it is bound by Regulation 1049/2001 on public access to documents that requires it to protect such data.

#### Workshops' organisation – State of play

The Agency provided an update on the organisation and purpose of the central workshop on Part 66 & Part 147 and regional workshops on Part 145 & Part M. It briefed SSCC that some National Aviation Authorities agreed to hold regional workshops on the dates proposed by the Agency, as listed below:

- Austria (6 and 7 of April 2005);
- Finland (21 September);
- France (16 June 2005);
- Netherlands (17 June 2005);
- Poland (18 November 2005);
- Sweden (19 September 2005).

The Agency workshop on Part-66 and Part-147 will be held in Cologne on 26 April 2005 to discuss issues surrounding the implementation of these parts in Europe, exchange views, learn from experience and facilitate personal contacts between stakeholders and Agency's representatives. As previously done for the workshop on Part 145, the Agency invited interested persons to submit questions three weeks prior to the event in order to be ready for the meeting.

#### Planning of future meetings

The Committee agreed to hold its next meetings on 29 June and 1 December, before the sub-committee Chairs' and the three sub-committees meeting (afternoon of the day before).

The Committee agreed to always schedule its meetings sufficiently ahead to enable members to make their planning.

#### Access to CIRCA site for non-SSCC members

Except for the working documents that are available through e-mail, SSCC has agreed to limit the access to the CIRCA site to its members only. Alternate members have to organise themselves with the member they are replacing.

#### National Variants

At SSCC' request, the Agency provided a brief progress report regarding measures adopted by Member States in application of article 10.1 of the EASA Regulation. It indicated that three meetings were held with CAA-UK representative. The current status on the UK notified measures is as follows:

- accepted: 51
- rejected: 26
- pending: 16 (yet to be decided )

The Agency went on explaining that the implementation of the accepted measures is to be done either by issuing an airworthiness directive (AD) or a rule. In both cases there will be a public consultation as prescribed by the certification or rulemaking procedures adopted by the Management Board. As far as the pending cases are concerned, they will be subject to an EASA regulatory impact assessment or will be further examined together with the national authority of the relevant state of design. In case of difficult pending cases, further meetings will be organised with CAA-UK.

One member considered that all these measures are rules that should be discussed by the SSCC before adoption.

The Committee encouraged the Agency to keep it informed of further developments.

**Date of next meeting**

The next meeting will be held on Wednesday 29 June 2005 at EASA HQ in Cologne.

Actions table

Action #	What	Who	When	Status
3-6	SSCC define target date discussion "industry & norms" issue	SSCC	Next meeting	O
3-7	SSCC establish procedure for nomination of experts	SSCC	Next meeting	O
3-10	Agency circulate to SSCC latest on National TSOs received from AGNA	Agency		O
3-11	SSCC will analyse and provide feedback on the need of certain specifications	SSCC		O
1-1-05	The Chair adjust inconsistencies between SCC ToR and RoP version 7 and sub-committees ToR along the conclusion of point 1	Chair	Next meeting	O
1-2-05	SSCC secretary to publish sub-committees documents on the CIRCA site	A. Tziolas	Asap	O
1-3-05	Sub-Committees Chairs submit revised ToR's to the Agency for comments	Sub-committees Chairs	When available	O
1-4-05	Agency provide legal opinion on taking over JOEB work from JAA	Agency	Next meeting	O
1-5-05	Agency pursue work on WP02 taking into account SSCC/sub-committees comments	Agency	Before next meeting	O
1-6-05	Agency publish pre-RIA on 2006 rulemaking tasks	Agency	By April	O
1-7-05	SSCC submit written comments on WP04	SSCC	By May	O
1-8-05	Agency publish draft 2006 rulemaking programme	Agency	Next meeting	O
1-9-05	Agency produce update status on active and future ToR	Agency	Asap	O
1-10-05	Mr. Turton will consolidate comments in a paper	S. Turton	Next meeting	O

**List of participants meeting 24-02-2005**

**Members**

Martin AMBROSE

Inger-Helene ENGER

David GIBBONS

Gerald MACK

Wolfgang ENGLER

Peter FEIND

Hans-Ulrich RAULF

Wayne JENNER

Robert MATHER

Fiona Mc FADDEN (alternate Jean Michel BIDOT)

Liam SISK

Alain PICARD

Michael ERB

Fons SCHAEFERS

Rudolf SCHUEGRAF

Simon TURTON

Barry VALENTINE

George PAGONIS

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Bob WILSON

**Observers**