European Aviation Safety Agency

Summary of Conclusions

Subject	Safety Standards Consultative Committee 2-2013
Date	5 December June 2013
Location	Jugendherberge, meeting room 'Barcelona' Cologne – Deutz,
Organised by	**Rulemaking**

1. AI 1 - Welcome
Presented by: Erik Moyson, Chair of the SSCC

The Chair welcomed the attendees to the SSCC meeting in its new composition. The Chair reminded the members that Sub-SSCCs focus on thematic topics, while the plenary SSCC focuses on horizontal issues. The chair welcomed the new (6th) Sub-SSCC General Aviation and asked for a tour de table. The chair welcomed observers from AIA, ECOGAS and ACI.

2. AI 2 - of the agenda
Presented by: the Chair

The Chair requested following items to be added to the agenda:
- Art. 62 evaluation of the Agency (report to be distributed to SSCC), treated under AI 4.
- revised rulemaking Programme 2014-17 (treated under AI 9)
- Personal Electronic Devices and its potential impact on industry (treated under AI 9)

Conclusion: The Agenda was adopted by the Group with above additions mentioned.

Action:
2-1-2013: Chair to provide Art. 62 Evaluation Report to Agency for distribution to SSCC.

3. AI 3 - Adoption of the Minutes
Presented by the Chair

The minutes were reviewed. The deadline for action items 1-4-2013 and 1-5-2013 was changed to 15 September. Also, it had been requested to add 'organisation' in the attendance list. A clean version will be submitted as post-meeting document.
The Chair also requested an update on action items 1-2-2013 and 1-9-2013 (Conflict of Interest form and the Communication platform, respectively). This was done during the AI 7 and 12.

Conclusion: The Minutes of SSCC 2-2013 were adopted by the Group.

4. AI 4:Regulatory Challenges survey results
Presented by Gennaro Mozzillo, EASA

Following the presentation, the Chair asked the SSCC members if the report adequately addressed their feedback and if any other aspects should have been included in the original agency regulatory Challenges paper.
Missing in the paper:
- 'true European legislation', meaning a system where rules are interpreted and implemented coherently throughout Europe. A comparison of EASA regulatory processes and those in other transport sectors was requested.
- principle of 'just culture' was included in the Art. 62 Evaluation Report.
- 'risk based approach'
Furthermore, the suggestion was made to ensure that the European Aviation Safety plan (EASp) triggers the Rulemaking Programme and to get information on how many Member States participate actively in this plan. The transfer of NAAs oversight responsibility to the Agency was raised. It was questioned whether the paper meant harmonisation of the system or the rules.

The Agency replied as follows:
Art. 62 concerns the whole Agency, not just rulemaking. A working group from the EASA MB is preparing a recommendation. Furthermore, regulatory challenges are also dealt with at commission level with a discussion paper. Emphasis is put on safety, but 'level playing field' and 'environmental issues' should not be ignored. As regards oversight transfer, it has come

to Agency attention that smaller NAAs do not have the necessary resources and expertise for tasks according to new rules. Nevertheless, even if Agency manages oversight, the Member States remain responsible.

All transport Agencies have policies on how to regulate. 'Modus operandi' are quite similar, with advisory groups from industry and national authorities. Air transport is quite advanced as European-wide regulations are concerned. Differences in legal systems at national level result in differences in implementation, change of mind-set towards true European legislation can take another 15-20 years.

As regards the 'risk based approach': more data is needed, only then can a Rulemaking Officer effectively judge in which risk category a task belongs to.

The challenge concerns the rules, not the system. The Agency has many pilot projects running together with the FAA/TCA.

The Chair clarified that there was no one blaming the Agency. The Chair is aware of the Agency's view that over-regulation is partly due to Industry, who - in the Agency's opinion - asked for such rules. The Chair welcomed the pro-active approach of the Agency to hold workshops to explain intent of a rule, and said this is a good initiative (e.g. 1-day workshop to explain the new FTL rules). The Agency confirmed that pro-active explanation to NAAs is priority for the next years.

Conclusion: The SSCC agreed that the report on survey results adequately addresses concerns of the Industry.

Action:
2-2-2013: Agency to inform SSCC which MS actively participate in EASp and EASP groups.

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5. AI 5 - Total System Approach (TSA) in Rulemaking
Presented by: Bryan Jolly, EASA

Following the presentation, the Chair made the following remarks:
Applying TSA solely in Rulemaking may not be enough. The difficulties with the implementation of EC 29/2009 (data link) and EC 1207/2011 (ADS-B) highlighted the need for a project manager to address and bridge gaps, ownership of technical integration and enforcement of implementation in Member States.
Furthermore:
- Lack of implementation of Performance Based Navigation due to complexity and uniqueness of EU system/legislation, compared to other systems. Serious challenge for operators to use existing means/capability of their fleet if future rules will contain additional requirements.
  The Agency acknowledged that PBN implementation needed more than rulemaking. A deployment manager would ease implementation.
- TSA will be applied to rules and to some of the relevant CS (this means that some CS are already fit for purpose)
- A discussion on the Single European Sky (SES) implementation on 'datalink' ensued, with members highlighting:
  o Risk that one player could damage the whole effort
  o Commercial disadvantages to comply to mandates
  o Additional SIBs to implement
  o Maastricht: which safety clause are they applying, what about additional requirements imposed on airlines.
  To this, the Commission took position as follows: the Commission is taking action at multiple levels – e.g. infringement procedures against MS that have not deployed instruments on time. Agency to take over the SES mandate that was originally given to EUROCONTROL for an assessment of the problems relating to timely deployment and technical as well operational problems encountered. Promised to take up datalink issues for next meeting.
  The Agency added that it was aware of the Maastricht issues and that the

responsibilities therein are not clear. The letter tasking the Agency with the datalink deployment problem assessment is due any day. Will report to SSCC when the tasking and reporting are clarified and processed.

Conclusion:
The group concurred that PBN requires TSA, but that one should learn lessons from the past and organise management and enforcement of implementation.

Action:
2-3-2013: Agency in coordination with Commission to clarify which safety clause could be applied by Maastricht and how EC intends to deal with the additional requirements imposed by MUAC, what advise EC gives to operators how to deal with these additional requirements.

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6. **AI 6 - Performance Based Regulation**
   Presented by: Willem Franken, EASA

A presentation on the above subject (PBR) was given by the Agency and much appreciated by the SSCC. Thereafter the Chair raised three issues which he thought important in relation to the WP 03:
- It was important to get the right mix of prescriptive and performance based rules
- With PBR, the drafting efforts are shifting to the AMC level.
- In some cases, non-regulatory measures may be more appropriate.

The Chair also pointed out that PBR will require more efforts from regulated parties and that it may not apply to all domains. Raised concerns about freezing Rulemaking Programme 2015-18.

Further members gave the following input:
- The presentation should be made available to the EASA MB and made public asap.
- Difference in AMC interpretation
- Performance has a cost, ex post evaluation may show that costs for prescriptive rules are different. Performance should also not only focus on safety but also take into account costs of the performance based approach.
- What would a working example of a PBR look like?

The Agency thanked for the positive feedback regarding the presentation. It noted that this was the very beginning of a process that could enhance Agency effectiveness . The agency stressed that it would be interested in receiving experience with PBR and positive (or negative) examples of the use of PBR from SSCC members. The revised Rulemaking Programme 2014-17 was reprioritised , and puts more resources on tasks like PBR. There was a link to the Art. 62 evaluation and MB initiative. The discussions held in October 2013 at the Joint meeting took place in an intermediate phase. Now we aim to have a more concrete idea in January 2014 and a final view made public in June 2014 with examples included. The Agency wishes to have TSA and PBR right before proceeding with the next 4-year RMP.

Conclusion: The group gave a positive opinion on PBR, but noted that at this time it was not clear how this would be concretely implemented through the Rulemaking Programme (which has been frozen).

Action 2-4-2013: SSCC to distribute the presentation on PBR to the stakeholders.
Action 2-5-2013: SSCC to provide the Agency with examples of PBR by 31 January 2014.

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7. **AI 8 - Announcement of proposed elections for plenary SSCC/subcommittee Chair/vice Chair in 2014 (was moved here)**
   Presented by the Chair

The Chair explained the reasons to have elections next meeting: two years since last elections of the SSCC Chair, and acclimatisation of new members to revised plenary SSCC/subcommittees.
It was pointed out that a harmonised approach for all subcommittees should be taken. The Chair requested candidatures for Chair and Vice-chair to be provided to the Agency by 1st May 2014.

Conclusion: It was agreed to hold the elections at the June 2014 meetings.

Action 2-6-2013: SSCC members to provide their candidatures for Chair/Vice-chair to the Agency by 1st May 2014.

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8. 12. AOB - Communication platform – CIRCABC (was moved here)
Presented by: Gennaro Mozzillo, EASA

The presentation on the use of CIRCABC was followed by a discussion on the possibility of additional log-ins, such as those from organisations' functional mailboxes. It was explained by the Agency that this was technically possible, but it was rather a decision of the SSCC to open up the documentation accessible to advisory bodies to non-SSCC members. Most members agreed to give access solely to members of advisory bodies, a few preferred wider access.

Conclusion: It was agreed to limit access to CIRCABC to members only. Nevertheless, ASD and CANSO would provide a proposal on how to handle any further access to the communication platform and respect confidentiality.

Action 2-7-2013: ASD/CANSO to provide proposal on how to handle any further access to the communication platform and respect confidentiality.

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9. AI 9 - Reports from subcommittee Chairs
Presented by: Subcommittee Chairs

• **D&M subcommittee:**
  - Proposed new tasks will be considered for 2016—19 RMP. They could be advanced if they are important safety issues, or if industry is ready to take them as outsourced tasks
  - Certification Memos: the negative examples given are not appropriate: first one is only preliminary draft; second one is under consultation. The Agency endeavours to limit the CM to guidance material only.
  - National additional requirements: for design issues they are not possible, as the Agency has exclusive competence. Possible counter measures are through the EC or national courts. EASA standardisation will pick them up if they are presented as OPS requirements..

• **E&M subcommittee:**
  Agency answered as follows to comments made in presentation:
  - Occasional line maintenance: the group should start working before the task is initiated
  - RMT.0097 (145.024): Functions of B1 and B2 support staff – although final delivery planned for 2018, the Agency believes it could well be earlier.
  - Both the above task and RMT.0276 have been pushed back on purpose to shorten the length of the task to under 4 years. If there should be problems, then we can accelerate initiation. RMT.0251 has been pushed back due to negative comments.
  - RMT.0222 (MDM.020): was removed at request of SSCC.
  - M.014: is planned for Q1 of 2014.
  - RMT.0275: no group needed according to Agency. This was contested by members. Based on the recommendations of Sub-SSCC D&M and Sub-SSCC E&M, and considering this RMT was initially proposed by industry, the Chair recommended that

the task should include painting and welding and should be a group task.
- Dual release certificate: Agency currently only responsible for Third countries. The Chair added that the Agency website should be more stakeholder oriented in future, improving such communication as needed.
- Combined meeting TAG PM/D&M, E&M subcommittees in October 2014 pre-empted what will be discussed at Monday's Management Board meeting – new approach to rulemaking.

- **FS subcommittee:**
  Following the presentation, the Agency replied to some questions:
  - There are already 3 Industry lead tasks in the field of Product Safety: Engine vibrations, open rotors, executive interiors
  - AWO: cooperation with FAA for a number of tasks (including EVS Enhanced Vision Systems) in the framework of the All Weather Operations Harmonisation ARC. There is an effort to coordinate alignment of deadlines. Only difficulty is getting hold of draft FAA rules before they are published because of the so-called "ex-parte" rule.

  Furthermore, the chair expressed concerns about the communication regarding PEDs and the resulting confusion created to the public. Each airline needs to develop own procedures for cabin crew to handle situation.
  The Agency answered that the cooperation work with the FAA on this was flawless from a technical point of view. As FAA communicated earlier than expected, it was necessary to also communicate what EU intends to do for case of use of non-transmitting PED during taxi-phase in order to clarify the situation to the flying public.
  There is also a UK study/trial period on-going for transmitting PEDs during taxi.
  Nikki Jones (ETF) reported serious concerns about the trial at British Airways (BA) and the misunderstandings resulting from it, because of lack of awareness of crew and passengers that
  - a trial is on-going at BA
  - the trial only applies to BA flights

- **ATM/ADR subcommittees :**
  The Agency confirmed the achieved consensus on the revised rulemaking programme and its' broad consent with the recommendations by the both subcommittees. The Agency also confirmed its intention to work actively with the potential regulatory needs stemming from the recent PCP (Pilot Common Projects) proposal as a part of the SESAR deployment.

- **GA subcommittee**
  The Chair raised two issues:
  - GA subcommittee meetings before other subcommittees – how to communicate results to other subcommittees and
  - GA draft rules of procedure should not be too formal
  He also reminded that GA issues should not hijack the agendas of other subcommittees
  The subcommittee Chair explained that the final scope of the GA subcommittee was yet to be fixed, but there was no intention to exclude anyone that shared the same interests. The proposed scope was to exclude the military and to include all civilians, except the airlines.

- **Revised rulemaking Programme 2014-17, 2015 -18**
  The Chair expressed some disappointment in that the SSCC was not consulted (in time) on the revised draft and on the fact of freezing the RMP 2015 -18. For the future, it is important to receive the working documents as excel tables for analysis, and the consolidated tasks (Opinion and Decision) should not be shown as deleted tasks .

  Conclusion: The SSCC endorsed the reports from the sub-committees Chairs including proposals for future rulemaking priorities.

  Action 2-8-2013: Agency to include 'painting and welding' in RMT.0275 and make it a

group task.

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10. AI 5: Opinion on the revised Rules of Procedure (was moved here)
Presented by the Chair

The Chair proposed to go through the track changes document and have changes explained. A discussion ensued on the possibility of plenary and subcommittee members to comment on the task Terms of Reference (ToRs). The Agency stated that currently, the ToRs were sent solely to the plenary SSCC members and to those subcommittee members whose domain was concerned by the task. This was not always easily identifiable. The Chair added that there was a risk that persons who could give input, did not receive the documents. He suggested to have the ToRs sent to all plenary SSCC/subcommittee members, and to clearly identify the title under the subject heading.

It was asked how to determine if a further subcommittee would become necessary, and what were the procedures for this.
The Agency stated that the current revision was the result of a detailed gap analysis and of an estimate which stakeholders were needed for consultation to enable the Agency's regulatory activity. There is some flexibility, but the review of the SSCC composition and structure is done about every 2-3 years.

Following some clarifications on the proposed changes, D&M subcommittee endorsed the revised version.

Conclusion: The SSCC endorsed the draft revised rules of procedure (WP 04)

Action 2-9-2013: Agency to send ToR to all plenary SSCC/subcommittee members

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11. AI 10; Highlights Rulemaking activities
Presented by: Chair and Rulemaking Director

- **Production and Maintenance**
Following the highlights presentation, the members enquired as follows:
- Part M task force - GA concern; why did the work stop at Phase 1?
The Agency explained that focus was in publishing the opinion, but work would now continue again.
The Chair invited the Agency to check if all sectors and domains are adequately represented in the plenary SSCC (e.g. SME)**.**
- ageing aircraft – differences in rules between FAA and Agency is not understood and costly for industry
Agency's reply was that sometimes the differences are justified, or need justification by the technical experts of the Agency. Work on-going with FAA to reach a certain degree of harmonisation. Considering that leased aircraft are continuously transferred between regulatory systems (e.g. FAA and EASA), the Chair suggested the Agency to complement the Review Group with a representative from the leasing companies.

- **Flight Standards**
A presentation was given.

- **ATM/ANS and ADR**

A presentation was given.
▪ **Environment**
An oral briefing was given.

Furthermore:
Occurrence reporting Regulation: it was asked whether the Agency was a player in the legislative procedure. The Agency explained that this issue was dealt with in a Commission proposal, which the Agency supported with expertise.
Conclusion: N/A
   Action 2-10-2013: Agency to give an update on the occurrence reporting regulation status

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12. AI 11 – Feedback on Implementation of EASA Rules:

IACA feedback:
Presented by the Chair
The Chair considered the most of feedback has been covered by discussions and explanations during the subcommittees' reports except for:
   -Task on dry leasing of TC aircraft : Opinion containing Part T has not been accepted by EASA Member States. The Commission explained that a concept paper was being drafted for discussion at the EASA committee to allow for support to the legal basis.
   It was asked whether the registration of planes in Europe was a problem. This was negated by the Agency, all private aircraft should be certified in Europe.
   -SACA/SAFA inspections: The distribution of inspections appears random and more than half of the SAFA inspections are in fact community inspections. The Chair will continue monitoring of inspection performance, as no added value perceived, SACA should be stopped.
   The Agency stated that SACA was due to begin in October 2014, until then, Member States have discretion to apply SAFA to community aircraft. The upcoming SACA inspections are an important contribution to collective oversight according to the Basic Regulation.

Ex-post evaluation
Presented by: Kai Bauer, EASA
The objectives of IP 02 were summarised by the Agency and written comments were encouraged. It was highlighted that SSCC could contribute to the scoping, cutting of costs of rules with this process. Also, TSA played an important role here. The Chair highlighted that Ex-Post Evaluation goes beyond safety and would have a specific focus on cost-effectiveness, competitiveness and proportionality of rules.

Conclusion: SSCC in principle supported the approach to ex-post evaluation presented by the Agency

Action: 2-11-2013: SSCC members to provide written comments, if any, by 31 January 2014

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13. AI 12 – AOB

• **EC presentation on the new Comitology**
   Presented by: Alfonso Arroyo, European Commission

   The Commission presented the difference between the 'delegated' and 'implementing' acts of the Lisbon Treaty in relation to the previous comitology provisions.
   Whereas for the 'delegated acts' the comitology committees will be replaced by expert groups to be consulted (such as RAG/TAG and SSCC/Sub-SSCC), the 'implementing acts'

will continue under the regime of comitology.

- **Planning of future meetings***

  The SSCC and its subcommittees agreed to meet on 3-4-5 June 2014. A date for December was also mentioned: 2-3 December 2014.

Conclusions: N/A

List of actions:

The Chair went through the previous list of actions and declared them closed for all but one. This would be closed when the Commission letter was distributed. The Chair promised to provide the letter to the Agency for distribution.

Furthermore, the new actions from this meeting were listed as follows:

Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)
1-11-2013	Distribute letter from IATA/AEA and EC answer on datalink services	IATA/AEA EC	Beg. July	Closed. Sent as post meeting documents on 10 12 2013
2-1-2013	Distribute Report Art.62 Evaluation to SSCC	Chair/EASA	After the meeting	closed
2-2-2013	Inform SSCC which Member States participate in EASp	EASA	By next meeting	open
2-3-2013	Which safety clause could be applied by MUAC and how EC intends to deal with additional requirements MUAC; what advice EC gives to operators how to deal with these additional MUAC requirements.	EASA/Commission	As soon as possible	On agenda of next meeting (under AOB)
2-4-2013	Perf. Based Regulation presentation to be shared with SSCC stakeholders	SSCC members	After the meeting	Closed. Sent as post meeting document
2-5-2013	PBR: Recommendations for existing material on best practices and policies	SSCC members	By 31 January 2014	Comment from Norwegian CAA received

2-6-2013	Submit candidatures for Chair & Vice Chair to subcommittee/plenary Secretaries	SSCC members & subcommittees members	By 1 May 2014	Letter sent by e-mail in January, reminder on 27 March
2-7-2013	Propose how to handle organisation's access to CIRCABC by further registration (other than SSCC/subcommittee member)	ASD & CANSO	after meeting	No feedback so far
2-8-2013	RMT.0275 (MDM.075) - include painting and welding in task and make it group task	EASA	In the context of RMP revision	open
2-9-2013	Send ToR to all plenary SSCC/subcommittee members?	EASA	After meeting	closed. Currently notifications sent to all advisory bodies
2-10-2013	Give an update on the occurrence reporting regulation	EASA	Next meeting	closed.On agenda of next meeting (under AOB)
2-11-2013	Provide written comments on ex-post evaluation	SSCC members	By 31 January 2-14	Closed. Supportive comments received.

Next meeting:
The next meeting is arranged for **5 June 2014** in **Cologne.**

List of Participants 2-2013:

Robert	**ALWAY**	AEI	Absent
Jean- Marc	**BILLAUD**	ASD	Present
Dany	**Van der BIEST**	IFATSEA	Apologies

Ali	**BAHRAMI**	AIA	Observer
Dominique	**BOUVIER**	IFATSEA	Present
John	**CLEAR**	ELFAA	Replacing Mr Hickey
Catherine	**CROCOLL-BICHARA**	CANSO	Present
Philippe	**DE GOUTTES**	ASD	Present
Walter	**DESROSIER**	GAMA	Present
Andrew	**DJURHUUS**	ERA	Absent
Andreas	**EICHINGER**	ACI	Replacing Mr Meerman
Michael	**ERB**	IAOPA	Present
Francois	**FAVRE**	IATA	Present
Jan	**FRIDRICH**	LAMA Europe	Present
Catherine	**GATHIER**	ASD	Absent
Timothy	**GLASSPOOL**	EHA	Present
Nikki	**JONES**	ETF	Present
Frank	**KABUTH**	EAMTC	Present
Adrie	**KRAAN**	Boeing	Present
Jorge	**LEITE**	AEA	Present
Thomas	**LEOFF**	IAAPS	Present
Robert	**MATHER**	AIAC	Present
Franz	**MEIER**	ECOGAS	Observer
Hugues	**MEUNIER**	ASD	Absent
Paulo	**MONTEIRO**	AIAB	Present
Erik	**MOYSON**	IACA	(Chair) Present

Andrea	**NEMEC**	EBAA	Present
Zeljko	**ORESKI**	IFATCA	Apologies
Kris	**van der PLAS**	ECA	Present
Maciej	**RODAK**	CANSO	Present
Julian	**SCARFE**	EAS	Present
Horst	**SCHMITTDIEL**	ERAC	Present
Liam	**SISK**	ASD	Present
Carlo	**VERGARI**	EIMG	Present
Roland	**VERMEIREN**	ESAM	Present
Bob	**WILSON**	ASD	Present
Ian	**WITTER**	ACI	Observer
Jeffrey	**WOOL**	AWG	Present
Alfonso	**ARROYO FERNANDEZ**	European Commission	Present

Conclusions prepared by	Kirsti Reinartz-Krott	**9/12/2013**	**Signature**
Conclusions reviewed by	Athanassios Tziolas, Eric Sivel, Jean Marc Cluzeau, Jussi Myllarniemi, Erik Moyson	**23 12 2013**	**Signature**