European Aviation Safety Agency

Summary of Conclusions

Subject	Safety Standards Consultative Committee 2-2012
Date	12 December 2012
Location	Barceló City Centre Hotel, Cologne
Organised by	**Rulemaking**

1. **Welcome**
Presented by: Erik Moyson, Chair of the SSCC
The Chair welcomed the attendees to the SSCC meeting and asked for a tour de table.

2. **Adoption of the agenda**
Presented by: the Chair
The Chair mentioned for which of the Agenda items an SSCC opinion was needed (AI 07 and AI 09). Due to the schedule of the Rulemaking Director, AI 8 and 9 were advanced to be discussed after AI 3. Also, AI 7 was postponed after AI 10.
It was agreed that the action table was to be reviewed and the new actions listed at the end of the meeting.
Conclusion: The Agenda was adopted by the Group with the proposed changes in schedule.

3. **Adoption of the Minutes**
Presented by: the Chair
The minutes were reviewed. No comments had been submitted.
Conclusion: The Minutes of last SSCC 1-2012 were adopted by the Group.

4. **AI 08 : European General Aviation Safety Strategy and its impact on the SSCC**
Presented by: R. Schuegraf
A presentation on the subject was given.
The Chair and the RM Director mentioned that the issue had been discussed at the MB meeting of 10-11 Dec. and at the EASA committee on 3-4 Dec., where risk categorisation was accepted by all Member States. The question what to consider a 'commercial operation' was still outstanding, on this a questionnaire will be sent end of 2012/beg. 2013.
A discussion followed:
SSCC Members reminded that 'one size/one rule does not fit all' and that 'users' to be considered could also be communities such as Aerodromes and Maintenance communities. Furthermore, the structure of airspace and the risks involved were also considered an important issue in this respect.
The Chair stated that the new Strategy paper would be shared with SSCC. He also pointed out the importance of a 6th GA subcommittee to be created in SSCC, and whose tasks needed to be well specified as they might be different from the other subcommittees.
Conclusions: N/A
Action 2-1-2012: Agency to send questionnaire to MS on definition of "Commercial operation" end of 2012/beginning 2013.
Action 2-2-2012: Agency to distribute The MB Working Paper 09a and 09b to the SSCC.

5. **AI 09: Review of the SSCC**
Presented by: the Chair

- **The Working Group presented the WP01**
  The Chair explained the WP01 content and the proposals.

- **The Agency presented its Position and different views were discussed**
  The Agency thanked for the excellent work and cooperation of the SSCC and its Working Group. Both the Agency and the Chair presented those points where there were still different view, highlighting the six following points:

  1. **LAMA-EU ?**

It was agreed that EU Light aircraft manufacturers should be included in the list of "gaps" in representation in the SSCC

2. **Flexibility to deviate from 1 seat each:**
It was indicated that each of the 28 associations currently represented in the SSCC as well the 6 missing regulated sectors could make a proposal for nomination of a Member in the new SSCC. Some flexibility should remain, but the number should not exceed 35 if possible, as a manageable size, both for the Agency and for the chair was important. Also, for the missing domains, it was discussed that European gaps should be prioritised. The Chair also reminded the SSCC that more emphasis would be put on the sub-committees (max. 25 members each) and that associations could have their representation through them as another option. Furthermore, stakeholders seeking representation in the SSCC may apply for membership of an association / organisation that is represented in the SSCC.]

3. **Observers to the SSCC**
It was agreed that observers or ad-hoc participants, meaning sub-committee Members and technical experts respectively, could join the SSCC meeting, subject to approval of the Chair, if their attendance was indicated well in advance (at least a month). It was stressed by the Chair that attendance of observers or experts did not weaken responsibilities of Members, who are expected to attend.

4. **Common session**
It was agreed that the sub-committee Chairs/SSCC Chair would be given more time for coordination before the SSCC meeting. Thus, before the SSCC meeting on Day 2, a 'common session' for the abovementioned participants and possible observers, (replacing the current pre-meeting on Day 2) would take place on a case by case basis.

5. **Electronic access Members and Representatives**
The Agency confirmed it would give SSCC sub-committee Members access to new communication platform when the new bodies are in place, as soon as it is available.

6. **Communication plan subcommittee** requested
See above explanation on "common session".

- **The SSCC opinion**
The SSCC agreed to the Agency proposal for the new structure and composition of the SSCC. The current SSCC and subcommittees will be operational till their last meeting in June 2013 so as to support the preparation of the Rulemaking Programme 2014-2017.

Conclusion: The outcome of the review of the SSCC received a positive opinion from the SSCC. The Agency will now begin setting up and implementing the new structure and group composition, meaning:
- updating and adopting the new RoP
- sending invitation for nominations to organisations and associations with deadline for answer
- Last meeting and phase-out of the 'old' SSCC in June 2013
- Administration and management of the new bodies (incl. communication to new members)
- First meetings of the new SSCC and sub-SSCC in Q4 2013

---

6. **AI 4: Update on the implementation of the Review of the Rulemaking Procedure**
Presented by: Marcella Miano

A presentation on the above subject was given by the Agency, after which a discussion ensued. The following issues were discussed:

1. Profile of potential Working Group members and estimated resources – The profile and an estimation of expected resources (i.e. working hours; expected No. of meetings) will be included in the ToR so as to support the advisory bodies to propose the right candidate for a rulemaking group.

2. 'Back to back' meetings of subcommittees and respective TAGs – 'Ad-hoc meetings' on technical matters may be organised for discussing issues of common interest.

3. Outsourcing of rulemaking tasks to industry lead groups - The following rulemaking tasks are developed in cooperation with industry lead groups :
   - 'Cabin interiors for executive jets'
   - 'Open rotor'
   - IMA (integrated modular avionics)

4. C Memos and GM – The Agency has the objective to reduce the number of quasi-rulemaking deliverables produced. For this reasons a project for a database of interpretations of rules has been initiated. Furthermore, C Memos will be regularly reviewed when drafting regulatory material and when planning future rulemaking task.

5. Implementation of the feedback loop with Certification and Standardisation - Quarterly cross-directorate management meetings are organised by Rulemaking with C and S for discussing bilaterally technical issues. Rulemaking staff participate in Standardisation visits, in finding committees etc. Furthermore, meetings between all directorates take place on a weekly and monthly basis in other fora, such as ISC, IETC and finding classification committees and the like.

---

7. AI 5: Highlights RMP
Presented by: Athanassios Tziolas

A presentation on the current rulemaking programme 2012-15, the adopted RMP 2013-16 and the preparation of the RMP 2014-17 was given. It was clarified that the Pre-RIAs will be sent in batches and not all at once, and that for those sub-committees which did not have a meeting in March, there will be a written consultation. For the future RMP, the draft would be presented in May 2013 with a commenting period ending at the next SSCC meeting in June 2013.

Conclusion: The consultation by SSCC would be in the old composition until June 2013, whereas the second meeting in December would take place in the new structure and composition.

---

8. AI 6 – Highlights different technical areas
Presented by: Eric Sivel, Jean Marc Cluzeau, Jussi Myllärniemi

The presentations gave rise to the following queries:

- **Existing remit:**
  The questions on the Rulemaking programme (distributed prior to the meeting to the SSCC) were answered in this presentation.

- **First extension:**
  The SSCC pointed out that the volume of work was very high and it was difficult to follow everything. The Agency replied that they follow the priorities being set in the Rulemaking Programme. The recent received letter from AEA and IATA on tasks to be postponed or deleted has to be brought to the attention of the sub-committees via the regular process.

There was input from EHEST, EGAST and ESSI in rulemaking. Rulemaking has a close link with these groups.

- **Second extension:**
  How can you recognise if a task affects a certain domain? The Agency explained that this was visible in the 'Applicability' Section of the new Pre-RIA template.

  Furthermore it was highlighted by the Agency that the SES air space measures stemming from various interoperability regulations remained a major challenge, including for the Agency too. The Agency welcomed discussions on how to tackle this (Item 9).

  Action 2-3-2012: Agency to convene a back-to-back meeting between the FS subcommittee and FCL&OPS TAG for May/June 2013.

---

9. AI 10: Feedback on implementation of EASA rules
Presented by: the Chair, the Approvals & Standardisation Director, Eduard Ciofu

---

The Standardisation & Approvals Director held a presentation.
Thereafter, the Agency responded to the following comments:

- Regarding Maintenance regulations, how to treat/ cope with Member States who are not willing to implement these provisions? The Agency replied that it would be necessary to look into which issues there were for non-compliance, but that in general, Regulations were legally binding. In some Member States the national Regulations apparently allowed for flexibility, in which case those Members States kept old rules in force and overregulated on a national level. The Standardisation team would raise a Finding if they find the National Authority has required also a higher standard than the applicable EU Regulation

- Regarding SAFA and SACA (Ramp inspections, no 3 on the feedback list distributed prior to the meeting)
  - The "formal" closure of findings is relatively new, introduced with the release of the new SAFA DB (Sep. 2011).
  - States performance in reacting to follow up information received from operators is monitored through a Performance Indicator that is routinely presented to the Participating States (every EESG meeting, 3 times/year).
  - This performance indicator is also taken into account when preparing SAFA STD visits. Standardisation findings have been raised on this matter.
  - New tools have been made available to NAAs to facilitate the follow-up activities: DB upgrade + automatic reporting.
  - EASA Guidance Material (v 2.0, published in August 2012) was amended to include specific guidance on this topic.

  On the letter from ERA:
  - A SAFA inspection also includes the assessment of the aircraft condition. Work is underway (e.g. the new EASA Guidance Material has been amended in this sense) to the correctly use maintenance data on the ramp.
  - This topic received ample coverage during the SAFA Forum and was further discussed during the SAFA Instructors workshop.

- Seek 2nd opinion before grounding an aircraft? Grounding is a complex national procedure and happens less than 10 times a year. Agency agreed that the burden of proof should not be on the operator each time. The inspectors needed to get better acquainted with the scope of their possible actions.

- How can Industry give feedback to Standardisation on different interpretation of the regulations by different NAAS? The Agency acknowledged that various Member States may behave differently, and that Industry observation was similar to "whistleblowing", so difficult

for the Agency to decide what info to disclose. Industry can keep the Agency updated on weaknesses observed, on which the agency could take into account in its Standardisation activities.

The SSCC also informed the Agency of unanimous Industry support for the shift to the risk based approach and referred to the October EASA Safety Conference on Performance based oversight.

Conclusion: N/A

10. AI 7 Reports from sub-committees
Presented by: the Chairs of the subcommittees (Philippe De Gouttes, Liam Sisk, Michel Rocca, Thomas Leoff, Dick Meerman)

The Agency reactions to the 5 reports:

- Overregulation: from Agency point of view this could also result from the demands coming from Industry and NAAs for new EASA Regulations. It would be helpful if each stakeholder carefully considers before submitting or supporting proposals for the new Rulemaking Programme.

- Meetings with RAG/TAGs: 'back to back meetings' are welcome (already mentioned in the new process and supported by the MB) and will be organised as needed.

- FCL Partnership meeting: The SSCC monitors the current initiative of Member States to continue with such meetings. TAG/SSCC sub-committee 'back to back' meetings 'could eventually replace this present structure.

- SES Regulation: Get rid of the overlap and/or gap between EASA/SES regulations is very much supported by EASA and the Agency is working on this. This to start beginning of next year, as EC has launched the SES II+ initiative.

- SMS: Workshop on 13 December. Draft NPA principles will be presented there, possible publication end of year/ beginning of next year. Split between Level of Involvement and SMS? How fast can it be put in the planning, with fast-track? Agency replied that in the upcoming CRD, comments should be made to the contents.

Further comments per domain:

Engineering & Maintenance:

- US/Agency bilateral: Industry being asked to establish Focal Points for passing information regularly.

- Consolidation of rules: Any chance for publication of rules on server? It was explained that CS are already published in consolidated format but AMCs in amending format to increase transparency. On another subject, the Agency informed that the Technical Publication versions are in a consolidated format and, the Agency applies the cost-recovery principles and only charges the production costs.

Flight Standards:
- Dangerous Goods: Industry asked to nominate Focal Points

ATM:
- SES regulations: mid-term solutions needed. Commission consultation 'SES II+' finishes at end of week. Biggest gap remains on safety and interoperability on airborne ATM products.

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

Action 2-4-2012: Industry to nominate Focal points for Dangerous goods
Action 2-5-2012: Present an implementation plan towards "risk based oversight" and the impact on Rulemaking
Action 2-6-2012: Advise process to be followed under EU/US Bilateral
Action 2-7-2012: Investigate feasibility to make consolidated format of rules available on the server

9. AI 10 – Feedback on Implementation of EASA Rules (continued):
Presented by: the Chair, Eric Sivel, Jussi Myllärniemi, Alfonso Arroyo (EC)

Regarding No 8 ('Coordination SES regulations and EASA rules') on the feedback list submitted to SSCC prior to meeting, the following reply was drafted by the Agency.

The Agency understands this feedback is related to the issue of Certification specifications that provides compliance with the SES interoperability (IOP) Regulations, in particular the SPI and DLS Regulations. The Agency would like to point out that Agency certification standards are not necessarily required to demonstrate compliance to the SES IOP rules. However the Agency does recognise the complexity of demonstrating compliance via using the SES methodology and thus on its own initiative has launched the necessary rulemaking tasks as part of an already challenging programme.

The NPA with respect to the transponder and ADS-B requirements was issued on 21 November 2012. The CS is anticipated to be issued Q2/2013.

With respect to Data Link a Special Condition (SC) has been issued by the Agency that enables certification in support to DLS Regulation. The NPA for that will supersede the SC is anticipated to be issued in Q1 2013.

With respect to the questions relating to the need to recertify aircraft that are have been demonstrated compliant with JAA TGL-13, AMC 20-13 and AMC-24. The Agency wished to indicate to the SSCC that these regulations have been prepared by EUROCONTROL in accordance with a mandate from the Commission within the framework of the Interoperability regulation that should ensure capacity and efficiency gains in the European ATM network. As it has rightly been identified the additional requirements are over and above the existing certification standards for ELS/EHS and ADS-B out, and the Agency notes that this was consulted via the ENPRM system. The identification of the exact parameters to be transmitted is currently outside of the Agency scope as these are airspace requirements associated with capacity and efficiency gains. The role of the Agency through application of Article 13a of regulation 549/2004 is to provide safety advise with respect to the new operational environment. In order to support the implementation of the SES Regulations, new certification standards are being developed. It should also be noted that even if the existing certification standard were acceptable, these are not applicable for demonstration of compliance as there have not been demonstrated to comply with the interoperability rule as required by Article 6a of Regulation 552/2004.

The Agency has noted that the current methodology used within the SES interoperability regulations includes a significant amount of detailed technical requirements that are normally located in certification specifications and supporting industry standards. It is extremely difficult for OEM or operators to apply for deviations or exemptions as the current exemption policy adopted by the SES regulation is applicable to aircraft types and not to individual aircraft. The ability for the Agency to act is limited as the requirements are within another regulatory framework. The Agency is currently in discussion with the Commission on possible improvements with respect to any new mandates to be prepared based on the Interoperability

regulation.

Further improvements in the roles and responsibilities will become more evident during the development of the SES II+ initiative currently undergoing consultation.

The SSCC informed the Agency of a letter currently being prepared by the manufacturing community addressing this issue.

For CPDLC, the SSCC pointed out that the existing equipment which was mandatory under current regulation may not compliant to future provisions. This will be costly.

The Commission agreed that this was an issue and that internal discussions at Commission would ensue. Feedback would be given. The Chair asked for this to be supplied before February 2013.

Conclusion: N/A

Action 2-8-2012: Commission to provide feedback on coordination of SES/EASA rules, and in particular for data link before February 2013.

---

10. AI 11 – Communication Platform
Presented by: Marcella Miano

The Agency described the main features expected by such a platform. In addition, it was clarified that the new platform would need to pass through an internal IT prioritisation process, which would give a more concrete timing for the implementation of this project.

Conclusions: N/A

Action 2-9-2012: Agency to draft Communication platform questionnaire*
***Post-meeting note:** At this stage, the Agency's resources do not foresee for the establishment of an advanced communication platform. Consequently, the Agency will use one of its existing tools for communication with its advisory bodies. In this respect, no survey and WG will be created to investigate about member's needs.

---

11. AI 12 – AOB

- **Follow-up to EASA Opinions at the regulatory level by the European Commission**
  Presented by Alfonso Arroyo (EC)

  After a brief explanation of the internal Commission procedures, it was suggested by the Commission Observer to send requests to the Commission to receive feedback on the legislative process. Alternatively, he asked to introduce a permanent agenda item in the SSCC meetings for feedback on the Opinions currently in the legislative process.
  The Chair also indicated there was a link to a monitoring tool on the Agency website, but he could not relocate it. The Agency took note of the Agenda item suggestion and agreed to investigate the link issue.

  The SSCC was interested to know who was in charge of the '*massaging'* of the rule at the Commission. It had been explained that the provisions needed certain amendments and cosmetic changes done before it could be presented to the Legislator with a positive outcome, as the technical opinion provided by the Agency often still leaves open some questions. The SSCC expressed it was worried that "massaging" without the technical knowledge could result in losing the essential part of the rule. The Commission ruled this out, as the responsible staff all had the necessary expertise. The Agency also pointed out

that in case a technical change was needed, the Commission consulted again the Agency.

The Commission was also aware that Member States opposed to the proposal in the last stages of the process, although they had agreed to the Opinion and earlier versions of the COM proposal. The Member States need to be made more aware of their responsibility.

Action 2-10-2012: (Re)confirm if there is a link to the EASA committee website on the EASA website and /or create a regular item on the SSCC agenda for feedback from the Commission on the status of the agency Opinion at the regulatory level.

- **Alternative Means of Compliance**
  Presented by: the Rulemaking Director
  Following the presentation, a number of questions were asked:

  o If an organisation in one Member State had an AltMoC approved by a competent authority, can it automatically use this is another State or does it need to go through the same process again?
     The Agency conformed that the same approval procedure was necessary, unless the Agency meanwhile adopted this AltMoC as an AMC

  o Is this only the case in OPS?
     For the time-being. The Agency explained that it was also included in the NPA for Safety Management to extend to Continuing Airworthiness and reminded that AMCs were non-binding material. It therefore depended on the goodwill of the authorities, although sharing Alt MoC was always a good idea. The Industry was urged to discuss with reluctant authorities. The Agency also asked SSCC to share cases where authorities were not cooperating.

  o The meaning of the word 'significant' has still to be defined.

  Action 2-11-2012: Provide wishlist on content of AltMoC webpage

- **Planning of future meetings***

  The SSCC agreed to meet on 5-6 June and 4-5 December 2013, although the Chair indicated several conflicting events (such as the MB meeting).

  ***Post meeting note:** the Workshop on Electronic Flight bags RMT 0001 will be taking place on 18 April 2013 at the Youth Hostel Cologne Deutz, and not on 16 April as was announced in the Event calendar IP 02.

List of actions:

Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)
1-1-2012	indicate to SSCC what happened with the tasks having a Pre-RIA but not being part of the Rulemaking Programme	Agency	ASAP	C
1-2-2012	raise the issue regarding the Hungarian Legislation on exams for license holders with Member States.	Agency/MS	ASAP	C
1-3-2012	consider to add title and not only a number to CIRCA	Agency	ASAP	C

	notifications so subject of the text published visible			
1-4-2012	provide answer to questions raised on SSCC review in order to allow consultation on IP05 by Chair and sub-committee Chairs.	Agency	By mid- August 2012	C
1-5-2012	compile list of potential organisations (for participation in SSCC) with help of SSCC	Agency, Industry	By next meeting	C
1-6-2012	ask for focal points from Member States in EASA committee for ACAS II v. 7.1.	Agency	ASAP	C
1-7-2012	Discuss the participants of future stakeholder surveys.	Agency, Industry	Q3 or Q4 2013	O
1-8-2012	check instances where AGNA informed but not SSCC, e.g. ToR of task 26.008.	Agency	By next meeting	C
1-9-2012	find new date for SSCC 1-2013 meeting early June 2013.	Agency	ASAP	C
2-1-2012	Send questionnaire on definition of "commercial operation" to MS	Agency	End.2012/beg.2013	O
2-2-2012	Distribute WP 09a and 9b of MB 4-2012 meeting to SSCC	Agency	ASAP	C
2-3-2012	Convene a joint meeting FS subcommittee and FCL&OPS TAG for May June 2013	Agency	ASAP	O
2-4-2012	Nominate Focal points for Dangerous goods	Industry	ASAP	O
2-5-2012	Present an implementation plan towards "risk based oversight" and the impact on Rulemaking	Agency	Next meeting	O
2-6-2012	Advise process to be followed under EU/US Bilateral.	Agency	ASAP	O
2-7-2012	Investigate feasibility to make consolidated manuals available on server.	Agency	ASAP	O
2-8-2012	Feedback on coordination of SES/EASA rules, and in particular for data link.	Commission	Before February 2013	O
2-9-2012	draft Communication platform questionnaire	Agency	Action deleted see post-meeting note	C
2-10-2012	(Re)confirm if there is a link to the EASA committee website on the EASA website and /or create a regular item on the SSCC agenda for feedback from the	Agency	Before March 2013	O

	Commission on the status of the agency Opinion at the regulatory level.			
2-11-2012	Provide wishlist on content of AltMoC webpage	Industry	May 2013	O

Next meeting:
The next meeting is arranged for **6 June 2013** in the **Cologne-Deutz Jugendherberge**, Siegesstr. 5, 50679 Cologne (just opposite of EASA headquarters)

List of Participants 2-2012:

Martin	**ALDER**	Present
Robert	**ALWAY**	
Jean- Marc	**BILLAUD**	Present
Lucie	**BOILY**	Apologies
Dominique	**BOUVIER**	Apologies
Mark	**CHATTERTON**	Apologies
John	**CLEAR**	Alternate replacing M. Hickey
Patrick	**DEBUCHY**	Present
Philippe	**DE GOUTTES**	Present
Walter	**DESROSIER**	Present
Andrew	**DJURHUUS**	
Andreas	**EICHINGER**	Present
Michael	**ERB**	Present
Peter	**FEIND**	
Walter	**GABER**	Apologies (Observer replacing R.Vermeiren)
Michel	**GAUBERT**	Alternate replacing C. Gathier
Dirk	**GEUKENS**	Observer suggested by Dick Meerman

Timothy	**GLASSPOOL**	Present
Jon	**HARRIS**	
Gary	**HUGGINS**	Observer suggested by N. Jones
Nikki	**JONES**	Present
Frank	**KABUTH**	Present
Adrie	**KRAAN**	Present
Jorge	**LEITE**	Present
Thomas	**LEOFF**	Present
Roderik	**McGREGOR**	
Shane	**McKEON**	Observer suggested by Mr Hickey
Dick	**MEERMAN**	Present
Franz	**MEIER**	Alternate replacing Mr El Kouch
Paulo	**MONTEIRO**	Present
Pierre	**MOREILLON**	Present
Erik	**MOYSON**	(Chair) Present
Andrea	**NEMEC**	Present
George	**NOVAK**	Present
Bernard	**PAULY**	Present
Kris	**van der PLAS**	Present
Michael	**ROCCA**	Present
Maciej	**RODAK**	Present
Julian	**SCARFE**	Observer suggested by R. Schuegraf
Uwe	**SCHINDLER**	Alternate replacing Mr Van der Biest
Rudolf	**SCHUEGRAF**	Present

Nuno	**SIMÕES**	
Liam	**SISK**	Present
Carlo	**VERGARI**	Present
Roland	**VERMEIREN**	Present
Alfred	**VLASEK**	Apologies (Alternate replacing Zeljko Oreski)
Bob	**WILSON**	Present
Ian	**WITTER**	Present
Alfonso	**ARROYO FERNANDEZ**	Present (regular Observer)
Michael	**SANDERS**	Apologies (regular Observer)

Conclusions prepared by	Kirsti Reinartz-Krott	**18/12/2012**	**Signature**
Conclusions reviewed by	Athanassios Tziolas, Trevor Woods, Eric Sivel, Jean Marc Cluzeau, Jussi Myllarniemi, Marcella Miano, Eduard Ciofu, Erik Moyson	**Date 23/01/2013**	**Signature**