EASA NEWS 07

EUROPEAN AVIATION SAFETY AGENCY | MAY 2011

EDITORIAL

Bilateral Aviation Safety Agreement: an Important Step Forward for Trans-Atlantic Cooperation

The entry into force of the Bilateral Aviation Safety Agreement between the United States and the European Community on 1 May 2011 marked an important step for trans-Atlantic co-operation. It concluded a long process in which EASA, in support of the European Commission, played an instrumental role. The mutual recognition of inspections and oversight between EASA and the FAA will allow the aviation industry on both sides of the Atlantic to benefit from a more efficient use of resources.

Initially signed almost three years ago, the ratification of the bilateral agreement faced technical, legal, and political delays. Its entry into force will allow the reciprocal acceptance of findings in airworthiness approvals and monitoring of civil aeronautical products, the environmental testing of these products, and the approval and monitoring of maintenance facilities.

International safety cooperation is crucial to improving safety levels throughout the world. The entry into force of this much awaited agreement can only lead to higher common standards of safety by strengthening and formalising long-built mutual trust between the United States and the European Union. Going forward, I hope to see the agreement expanded to other areas including training and flight crew licensing, benefiting all stakeholders in the aviation industry in this economically difficult period.

Patrick Goudou, EASA Executive Director

Going forward –

A Strategy for Standardisation

Today's standardisation inspection process, as established under Article 24 of the Basic Regulation is, although reactive by nature, very successful. Pro-active standardisation efforts have a great potential to accelerate standardisation and should therefore complement standardisation inspections. Only a well-balanced combination of both mechanisms can optimize standardisation results. In addition, a feedback loop is necessary to ensure that experience gathered in the field is properly analysed and the results are taken into account in the regulatory amendment process. With this in mind, EASA has developed a Standardisation Strategy that is built on three pillars which are further explained in this article.

Pillar No. 1: Standardisation Inspections

Today, as stipulated by Article 24 of the Basic Regulation, regulatory compliance verification is accomplished through standardisation inspections including inspections of undertakings. In case a National Aviation Authority (NAA) shows lack of willingness or ability to develop and implement an adequate corrective action plan to address non-compliance findings, enforcement measures can be used by the European Commission in order to

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Going forward

bring the issue to a close. This approach has both strengths and weaknesses. Its main disadvantage is its re-active character. A deficiency can remain undetected for quite some time until discovered during an inspection. In addition, this approach may trigger concealment of critical deficiencies as the process can entail enforcement measures in case a deficiency is not rectified within agreed deadlines.

Today, the standardisation process as established under Commission Regulation (EC) No 736/2006 is mature and successfully fulfils its objectives. Nevertheless, EASA is working towards a continuous improvement of the standardisation process, its quality, efficiency and effectiveness. Great emphasis is placed on internal efforts to 'standardise the standardisers'. A detailed standardisation workflow, working instructions, templates and checklists have been developed under the control of the Agency's quality management process. A second element is the training of Standardisation Team Leaders and Members in accordance with established procedures. In particular, it was realised that the training of team members seconded by NAAs needs to be further improved. A feedback survey has been introduced under the guidance of EASA's Quality Department. The feedback received through the questionnaires contained valuable recommendations which were analysed and led to the creation of an action plan for improvement.

Pillar No 2: Pro-active Standardisation

Following from the above, it is important to complement the re-active compliance verification process by a pro-active 'teach and learn' approach that encourages NAAs to identify and resolve deficiencies before they are discovered by an inspection. Pro-active standardisation measures can go a long way towards accomplishing the objectives of the Basic Regulation, but in absence of inspections and enforcement options they may fail.

Pro-active elements are for example:

- Standardisation meetings;
- Information sharing tools (SINAPSE, CIRCA);
- Technical training of NAA inspectors;
- Participation of NAA inspectors as team members in standardisation inspections;
- Regular inspector meetings (to be decided upon);
- Consultation mechanism for NAAs.

Standardisation meetings form the backbone of EASA's proactive standardisation approach and have proven extremely successful. The forum allows an open dialog on all standardisation issues relevant to NAAs and EASA. One to two such meetings are typically held per year per scope, and their great success suggests expanding them to the fields of ATM/ANS and Aerodromes.

In addition to the direct involvement of specially trained NAA inspectors as team members during standardisation inspections, technical training also of those who do not participate as team members has been identified as a powerful tool to spread a common understanding of applicable regulations across all NAAs. Therefore, the improvement of EASAs regulatory training capacity for NAA inspectors has been identified as an objective with strategic importance.

Pillar No. 3: Regulatory feedback mechanism

The third pillar of the general standardisation strategy is a regular assessment of the impact of the implementation of the Basic Regulation and its implementing rules with a view to continuously improve the regulations itself. The Agency intends to include the results of such assessments into its Annual Standardisation Report for further consideration in the regulatory amendment process.

"EASA is working towards a continuous improvement of the standardisation process"

A more informal feedback mechanism has also been established at working level between the respective directorates and departments within the Agency. Rulemaking experts enjoy a standing invitation and participate regularly to Finding Classification Committees, hence having full visibility of every single finding raised during visits. In addition, conclusions arrived at by the participants of standardisation meetings are evaluated and may be considered in the context of a regulatory amendment process.

EASA Approvals & Standardisation Director, Francesco Banal

"A pro-active 'teach and learn' approach must complement re-active verification"

The Black Boxes – Regulatory Flight Recorders

Regulatory flight recorders, often called 'black boxes' by the media are devices designed to continuously record data during aircraft operation. The Flight Data Recorders (FDR) records flight parameters whereas the cockpit voice recorder (CVR) records the acoustic environment of the cockpit, the voice communications and audio signals introduced into a headset or speaker.

These pieces of equipment are expected to preserve information in the unpredictable conditions of an accident. Although they are not essential for the safe conduct of the flight per se, they contribute indirectly to safety by providing first-hand information on the sequence of events that led to an accident.

Therefore, regulators and safety investigation authorities have been strongly involved in the evolution of the standards associated with flight recorders. Recently, several drivers have combined to justify a more active approach by EASA in this domain:

- Safety recommendations issued by safety investigation authorities;
- Amendments of ICAO Annex 6: the latest amendment has introduced new provisions related to flight recorders;
- Harmonization with the regulations of other rule makers;
- Update of the industry standards related to flight recorders such as EUROCAE and ARINC.

Rulemaking Activity

The OPS regulation in preparation, due to come into force on 8 April 2012, is expected to contain several new provisions regarding flight recorders.

First, the carriage requirement will be extended to heavy complex aircraft operated for non-commercial purposes. Second, the recording of data link communication messages will be required. And third, new performance specifications regarding FDR parameters have been introduced.

Beside the OPS project, EASA Rulemaking has already identified several rulemaking tasks related to flight recorders. They can be consulted in the EASA Rulemaking programme.

Certification Activity

Flight recorders have to meet detailed technical specifi-

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Demonstration Flight Recorder used for educational purposes

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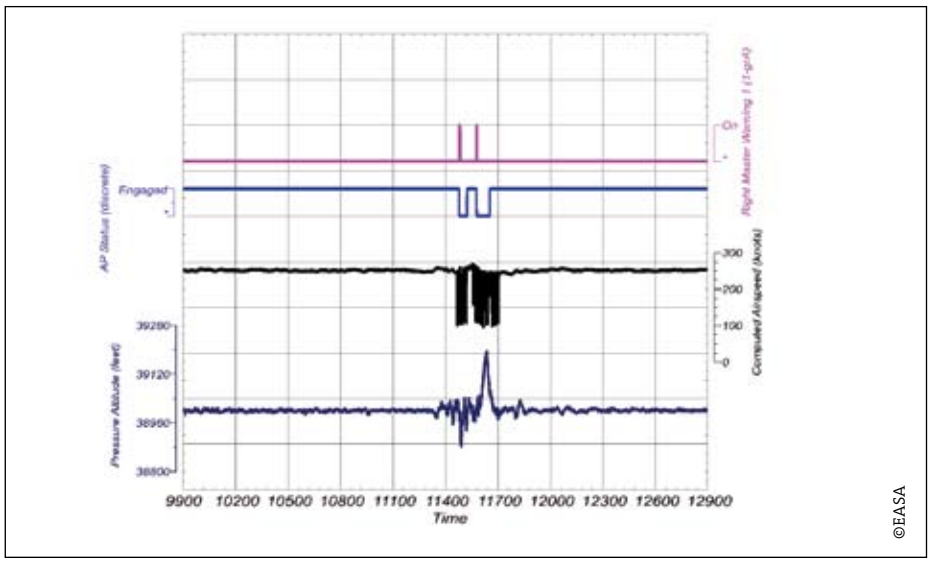
The Black Boxes



Simplified example of a Flight Data Recoder parameter plot from an incident

cations which prescribe, among others things, to what conditions they should survive. The crash protected enclosure undergoes tests such as impact shock, high temperature fire or sea immersion, in order to maximize the probability that the crash protected memory survives the accident.

These 'black boxes' are actually required to be of a shiny orange color in order to facilitate their localisation, and to carry letter markings reading 'FLIGHT RECORDER – DO NOT OPEN'. Their location must also be carefully selected in order to maximize the probability that the crash protected memory survives the accident.

> *"The crash protected enclosure undergoes tests such as impact shock, fire or sea immersion"*

International Working Groups

Among the standardisation activities in which EASA is involved, one can mention the update of EUROCAE Document 112 which is titled 'Minimum operational performance specifications for crash-protected flight recorders'.

EASA is also a member of the Flight Recorder Panel (FLIRECP), an expert group of ICAO in charge of proposing changes to ICAO Annex 6 which works under the control of ICAO Air Navigation Commission.

Since 2010, EASA is chairing the European Flight Recorder Partnership Group (EFRPG). This expert group produces advice on technical issues related to flight recorders, which facilitates the preparation of EASA rulemaking activity in this domain.

In addition, EASA has been following up the activities of international working groups set up by the French Bureau d'Enquêtes et d'Analyses after the accident of Airbus A330 over the Atlantic Ocean in June 2009 (Air France flight 447). Their objective was to look into new technology which would safeguard data and locate the wreckage when an accident occurs over an oceanic area.

EASA Accident Investigation section

The Accident Investigation section of the Safety Analysis and Research Department has been acting as the liaison between the various flight recorder related activities of EASA. Indeed, the Accident Investigation section is the privileged interface between EASA and the safety investigation authorities which are the primary users of flight recorders. In addition, the section purchased in 2008 a tool to analyse FDR data files.

This analysis capability has gained even more importance since the publication of European Regulation 996/2010 on the investigation and prevention of accidents and incidents in civil aviation. According to this new regulation, when a safety investigation authority of an EASA Member State is taking part to an investigation, EASA may appoint an adviser to this safety investigation authority. This adviser is entitled to take part to the readout of the FDR.

EASA may also request a copy of the FDR data file, in order to discharge its responsibilities regarding the airworthiness of a product or a system. In such a case, the data is handled in a secure way and analysed in confidence.

Formalising Cooperation between EASA and Eurocontrol

First meeting of the EASA-Eurocontrol Technical Steering Group (TSG)

On 19 January 2011, the first session of the Technical Steering Group (TSG) between EASA and Eurocontrol was held at EASA's premises in Cologne. Two delegations headed on one side by Luc Tytgat for Eurocontrol and on the other by EASA Directors Jules Kneepkens and Francesco Banal met to establish the final Terms of Reference of the group and its Work Programme for 2011.

The TSG was established by the signature of the Working Arrangements between EASA and EUROCONTROL in November 2010. The initiative for this cooperation goes back to a request of Matthias Ruete, Director-General for Mobility and Transport at the European Commission. In a letter in 2010 he had asked Eurocontrol to support EASA in the field of Air Traffic Management (ATM) and Air Navigation Services (ANS) and Environment.

Since last summer, many representatives have collaborated to develop the details of the cooperation which has given rise to the Working Arrangements, the Work Programme 2010 and its Task Specifications.

Although EASA and Eurocontrol have a long record of cooperation in different domains, this mutual understanding on how EASA works and how Eurocontrol works and even the first step to go from 'us and them' to 'we' was one of the subjects of a workshop held in 2010. During this workshop EASA staff explained to their colleagues from Eurocontrol their working methods as well as the EU legislation and the rules of procedure that are the basis of the EASA work. In smaller groups many discussions took place on numerous subjects such as Rulemaking, SESAR, Standardisation inspections, Safety Analysis, etc.

The Work Programme for 2011 was in development since November 2010. A method of presenting the task specifications for individual work items was used to enable a thorough planning and to avoid any misunderstandings. This method worked efficiently and the final result could be signed on 19 January 2011. This means that the working cooperation between EASA and Eurocontrol in the new EU context has now also formally started. We are looking forward to the results. The first evaluations will be held at the next TSG meeting in June.

EASA Rulemaking Update

Publication of Operational Suitability Data Comment Response Document

EASA is about to publish the comment response document (CRD) for the rulemaking task related to Operational Suitability Data (OSD). The corresponding notice of proposed amendment (NPA) No 2009-01 was published in January 2009. Approximately 1000 comments were received on this proposal. In order to handle these comments the Agency established a comment review group. This group, with experts from various stakeholders, met three times in 2009 and 2010.

Due to the amount and nature of the comments received the CRD will not provide responses to each individual comment. Instead, general responses to groups of comments are provided. In addition the CRD will also contain the draft final rule text resulting from incorporating the comments. The OSD concept has been introduced in the basic regulation as part of the 1st extension package. The necessary implementing rules are developed under this Rulemaking task and should be applicable by April 2012. The principle is that the aircraft manufacturers are required to establish certain data that will need to be approved by the Agency and then used by operators and training organisations. This data consists of the Master Minimum Equipment List (MMEL), type specific data for training of pilots, cabin crew, and maintenance crew as well as data for validation of simulators. The OSD is expected to contribute to closing the gap between airworthiness and operations.

Compared to the NPA the proposal is changed in a number of areas. The main changes are listed here:

- Instead of being approved under a separate certificate the OSD will be approved under the existing type certification process. Nevertheless it will be possible to issue the type certificate even if the OSD are not yet completed;
- Once approved, the OSD will have elements that are mandatory for operators and training organisations but the majority of it will have the status of recommendations;
- OSD will in principle be applicable to all aircraft categories. However data for type training is only required if the aircraft has a type rating. Most small aircraft are in group or class ratings and therefore do not need data for type rating training. MMEL is required for all aircraft categories however the Agency will establish generic MMELs for non-complex aircraft, limiting the burden for the manufacturers of those aircraft.
- Operational data already issued in Operational Evaluation Board (OEB) reports will be grandfathered and get the status of OSD. For other existing aircraft types only those models that are still in production will require an OSD. Manufacturers will have two years to establish the OSD under a 'catch-up' programme.

Other, more detailed differences are further explained in the CRD. As usual the CRD will be published for a reaction period of two months. To help in the understanding of the CRD and to allow more focussed reactions, the Agency is organising a workshop for stakeholders. This workshop will take place on 17 May in the Pullman Hotel in Cologne. Registration is required.

EASA Rulemaking Update

Implementing Rules for Air Operations of Community Operators – CRD OPS I

By the closing date for reactions to the CRD (15 February 2011), stakeholders had sent around 1000 reactions. In general, the received reactions show overall support for the published CRD documents and provide constructive proposals for further improvements of the text. The majority of stakeholders supported the alignment of the rules with EU-OPS and JAR-OPS 3, the proposed balance between Implementing Rules and AMC material as well as the rule structure. The CRD text for helicopter operations still raised concerns in some areas whereas for aeroplane operations, most parts of the text received acceptance.

EASA is now carefully assessing each reaction and amending the rule text accordingly. Before publishing the Opinion in May 2011, the Agency will coordinate with national authorities and the European Commission.

EASA will then send the Opinion to the European Commission, which will take over the decision-making process. The Opinion will be subjected to the comitology process, and its progress can be followed via the EC's comitology webpage (http://ec.europa.eu/transparency/regcomitology/index.cfm?CLX=en). The Committee dealing with this is the 'Committee for the application of common safety rules in the field of civil aviation'). The Executive Director (ED) of the Agency will adopt the corresponding Acceptable Means of Compliance (AMC) and Guidance Materials (GM) through an ED Decision, once the Implementing Rules have been adopted.

After publishing the draft Opinion OPS I, the Agency will focus on drafting CRD OPS II, which contains Part-NCC (non-commercial operations with complex motor-powered aircraft) and Part-NCO (non-commercial operations with other-than-complex motor-powered aircraft).

The Agency plans to publish CRD OPS II in the third quarter of 2011. After a two month period for reactions and any subsequent redrafting the Agency will publish the Opinion OPS II, in the fourth quarter of 2011. Finally, CRD OPS III will contain the rules for specialised operation (Part-SPO). The Agency plans to publish the CRD in the second quarter of 2012.

Draft Regulation on the Licensing and Medical Certification of Air Traffic Controllers Approved by the Comitology Committee

In February 2011 the EASA Committee gave its positive opinion on the Draft Commission Regulation on the licensing and medical certification of air traffic controllers (ATCO Regulation).

As this Regulation requires the regulatory procedure with scrutiny of the Comitology Regulation which means that the European Parliament or the Council may oppose the adoption of the draft, it will take another three months before the Commission can actually take the final decision to adopt the Regulation. It is therefore expected that the Regulation will be published before summer.

The ATCO Regulation is the first product of the so-called 'fast track' opinions issued by EASA on 28th May 2010. It constitutes a stand-alone Implementing Rule on ATCO licensing with grouped requirements for authorities and organisations. The former Directive has actually been transferred into the new Regulation. During the drafting process, already existing Eurocontrol specifications for medical and training requirements were copied with some updates.

The biggest difference with the past Directive is in the fact that this Regulation is not setting out minimum requirements, but it constitutes THE rule: mandatory and harmonising the EU approach to this subject. There are no discretionary powers left to the EU Member States.

With this Regulation EASA has contributed its first Implementing Rule based on the Second extension of the Basic Regulation. The other Drafts, on Certification and Provision of Air Navigation Services and on Safety Oversight in ATM/ANS, which were also presented on 28th May in Opinion 02/2009, were processed quickly through the comitology and should be adopted by the Commission in the beginning of the summer.

Proposal to simplify the conditions for operations by Third Country Operators in Europe

EASA published proposals for future requirements applicable to Third Country Operators (TCO) engaged in commercial air transport operations into, within or out of the EU. The proposals, published in a Notice of Proposed Amendment (NPA), are designed to establish a single European system for the safety approval of these operators replacing the various national systems existing today.

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Certification of Europrop TP-400 engine

On 6 May 2011, EASA Certification Director Dr. Lohl handed over a type certificate to EPI Europrop International GmbH (EPI) for the TP400-D6 engine which powers the Airbus A400M. It is the first large turboprop engine certified by the Agency.

IMPRINT

Publisher:
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Erratum: We would like to apologize to Michel Masson for omitting him from the list of contributors to the January 2011 issue.

Layout:
804© GRAPHIC DESIGN, Düsseldorf Germany

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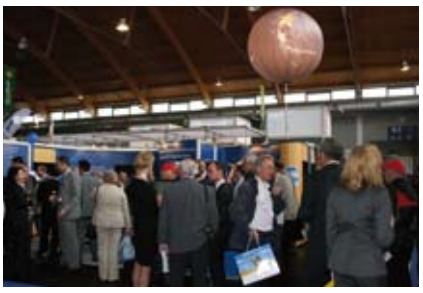
Published quarterly, released free of charge.

ISSN: 1831-3272



EASA at Europe's largest General Aviation trade show "Aero Friedrichshafen"

General Electric GenX engine certified by EASA

Boeing 747-8 Intercontinental

EASA has certified the General Electric GenX series engines for installation on Boeing 787 and Boeing 747-8 aircraft. The handover of the Type Certificate follows a certification programme carried out in close cooperation with General Electric and the Federal Aviation Administration.

Safety notice issued to pilots on the use of Advisory Vertical Guidance

EASA issued a Safety Information Bulletin (SIB) to inform pilots of general aviation aircraft about the use of the Advisory Vertical Guidance (Advisory VNAV). This safety notice highlights that the use of Advisory VNAV, made possible following the entry into operation of the European Geostationary Navigation Overlay Service (EGNOS), does not change the requirement to use the main barometric altimeter for altitude guidance. Please visit the EASA website to access the full SIB.

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