



# The EASA System

EASA Workshop  
From JARs to IRs: Requirements for  
Organisations and Authorities

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# AGENDA

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- I. The institutional and regulatory framework
- II. The EASA Rulemaking procedure
- III. Differences with the JAA system
- IV. The NPA on Organisation Requirements and Authority Requirements



## ➤ I. The institutional and regulatory framework



# Institutional framework

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- European Community (EC) Agency
- Legal personality
- Independence
- Legal, administrative and financial autonomy.
  
- Vision:
  - ✦ EU citizens should benefit from the safest and the most environmentally friendly civil aviation system in the world.
- Mission:
  - ✦ Our mission is to promote the highest common standards of civil aviation safety and environmental protection in Europe and worldwide.



# Institutional framework

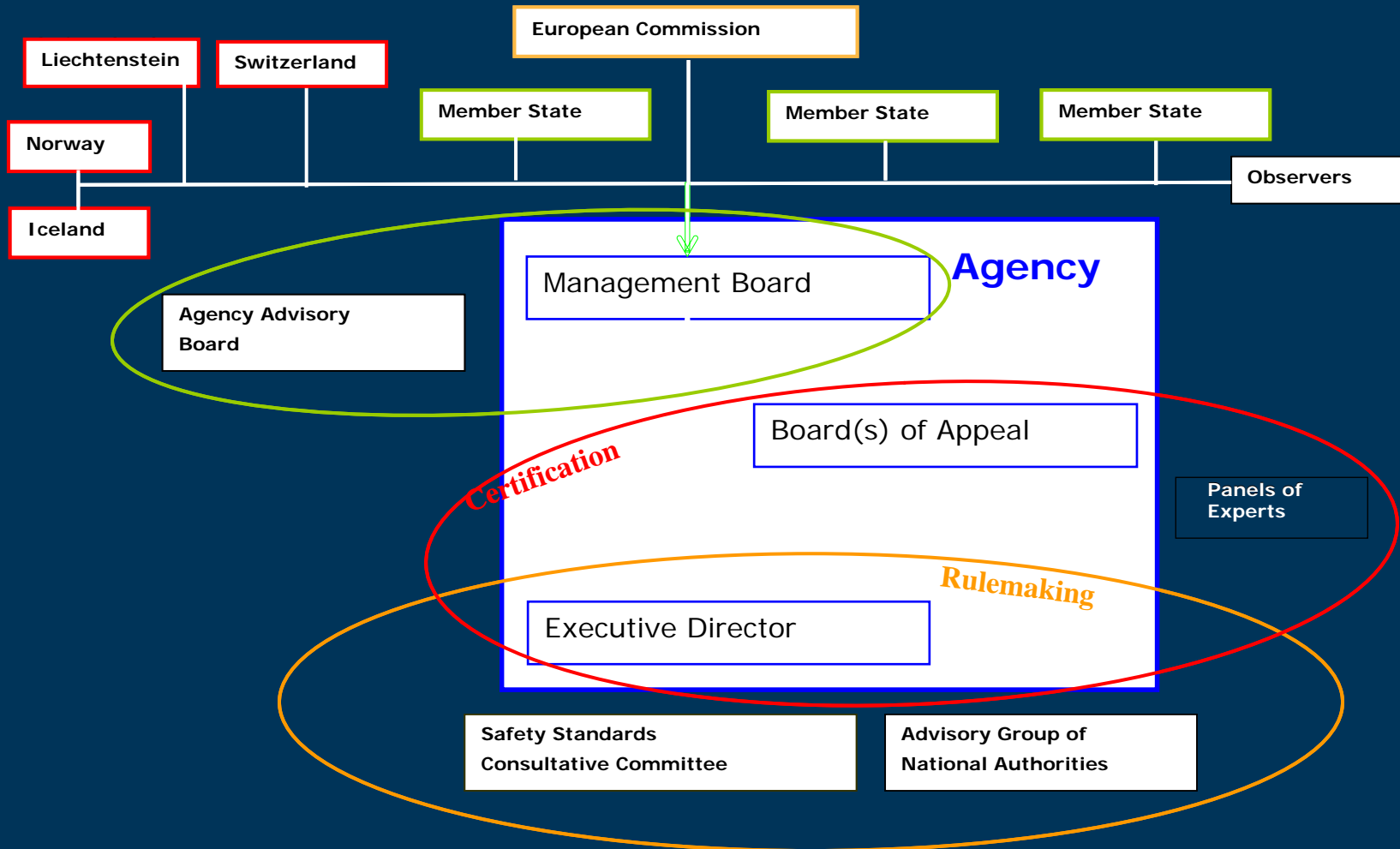
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## Objectives of the Agency:

- establish and maintain a high uniform level of aviation safety in Europe;
- ensure a high uniform level of environmental protection;
- promote cost efficiency in the regulatory process,
- assist Member States in fulfilling their ICAO obligations;
- promote Community views through co-operation with third countries and international organisations.



# Institutional framework: EASA governance scheme





# Institutional framework: EASA structure







# Regulatory framework

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## The principles

### DECENTRALISATION IS THE RULE...

The EC Treaty is based on the principle that the Community **acts as a legislator**, while **Member States apply** Community law under Community control.

Community law is directly applicable (full part of Member States legal order).

Legal remedies for individuals and enforcement means are provided by Member States judicial systems.



# Regulatory framework

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## The principles

### ... CENTRALISATION THE EXCEPTION

The EC Treaty provides however for the **delegation of executive powers** to the **Commission** (hard law) or an **executive agency** (soft law)

In such cases:

- Delegated powers shall be strictly defined to allow judicial control of executive acts
- Judicial remedies available to individuals and enforcement means shall be specified when delegated powers allow individual decisions



# Regulatory framework: the Basic Regulation

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## ➤ The **Parliament** and the **Council**

- ✦ define the **Scope of Powers** transferred from the Member States to the Community.
- ✦ adopt the **Essential Requirements** specifying the objectives to be met

## ➤ The **Commission**

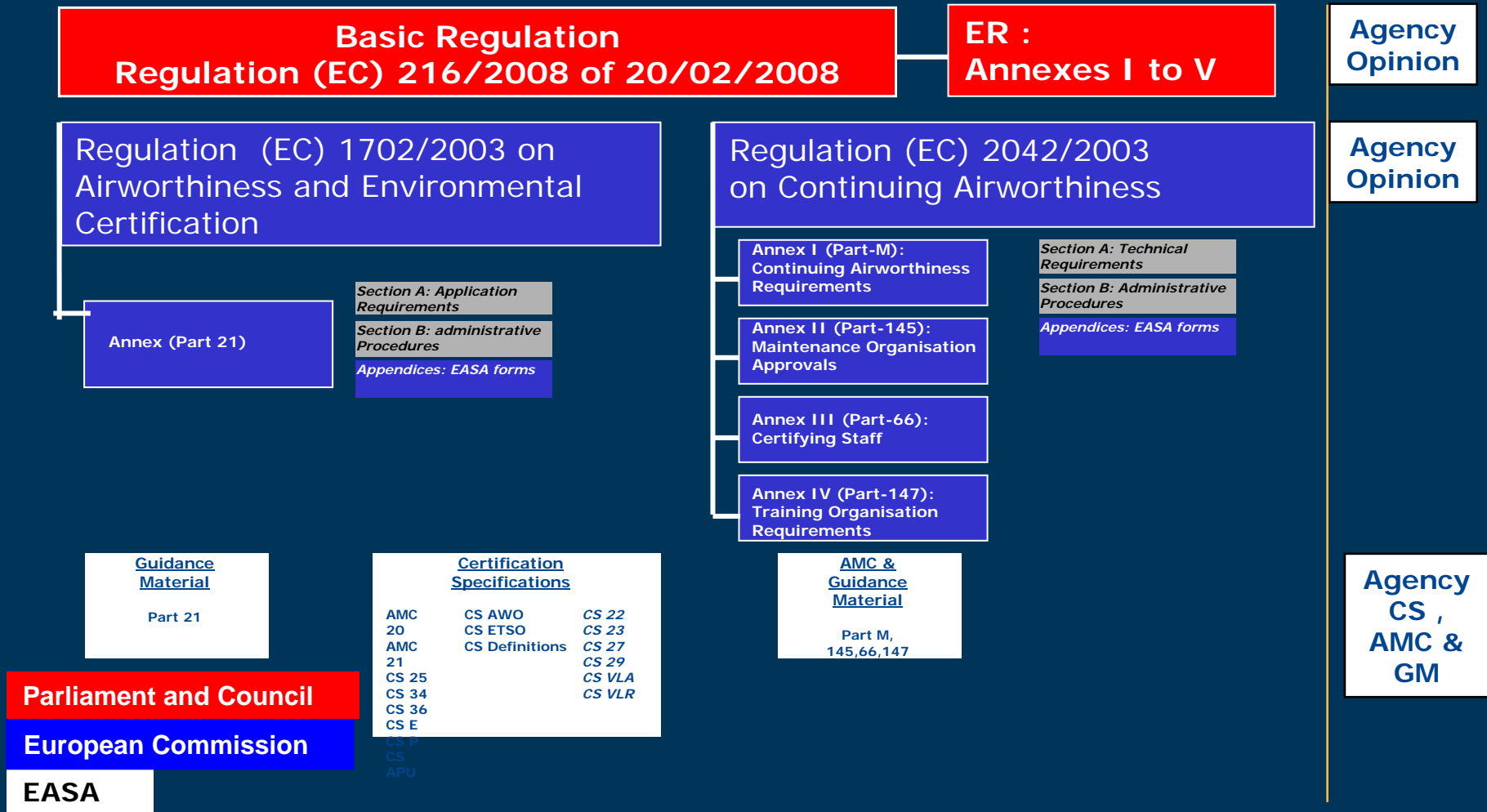
- ✦ adopts **standards** for implementing the essential requirements.

## ➤ The **Agency**

- ✦ adopts **non binding standards** for implementing the essential requirements



# Regulatory framework: present regulations structure





## Regulatory framework: division of competences

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### The Commission:

- **adopts implementing rules** (Commission Regulations 1702/2003 and 2042/2003)
- **oversees** the implementation of common rules by **NAAAs**, including use of safeguard provisions (art. 14 of EASA Regulation)
- **negotiates** international agreements



## Regulatory framework: division of competences

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### The Agency:

- **develops opinions for common rules** (Basic Regulation and implementing rules)
- **adopts material** for the application of common rules (certification specifications, airworthiness codes, acceptable means of compliance and guidance material)
- **acts as focal point vis-à-vis third countries and international organisations** for the harmonisation of rules and the recognition / validation of certificates



## Regulatory framework: division of competences

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### Member States National Aviation Authorities:

- **provide expertise** as appropriate for rulemaking tasks;
- **develop national administrative rules** for the **implementation** and **enforcement** of common rules (administrative procedures)
- **may take action on a case by case basis** if so required to ensure safety or appropriate operational flexibility (safeguards).



# Regulatory framework: division of executive powers

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	PL	Ratings, certificates	MC	TOA	FSTD	AeMC
EASA country	MS	MS	MS	MS	MS <sup>1</sup>	MS
Non- EASA country	MS	MS	MS	EASA	EASA	EASA

1) EASA, when requested by a MS





## ➤ II. The EASA Rulemaking procedure



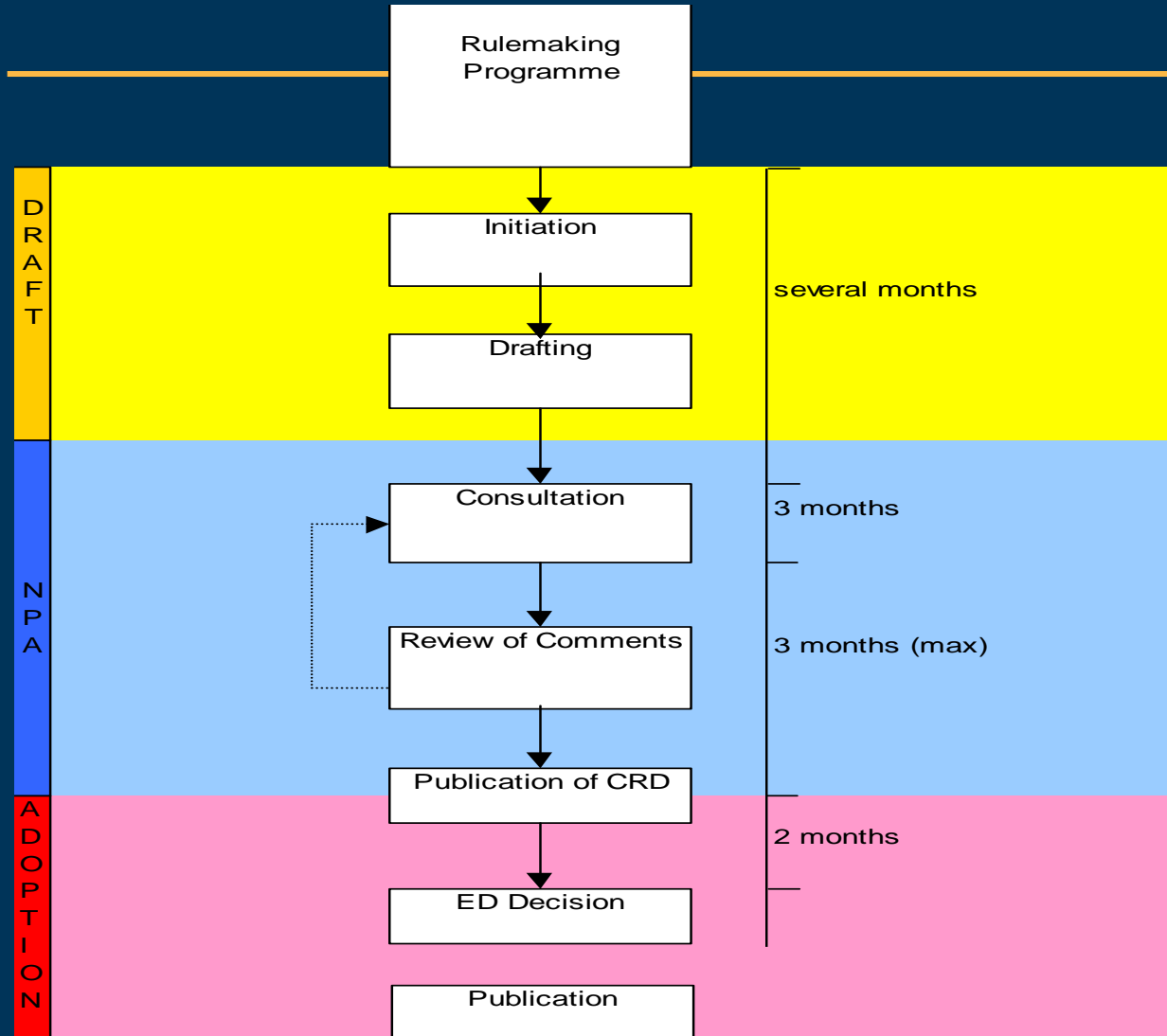
# EASA Rulemaking Procedure

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- Phase 1: Programming
  - ✧ Annual Rulemaking Programme
  - ✧ Advance Planning
  
- Phase 2: Processing of rulemaking deliverables
  - ✧ Opinions, Certification specifications, Acceptable Means of Compliance and Guidance material



# Rulemaking process flowchart





## ➤ III. Differences with the JAA system



## Differences with the JAA system

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For **Rulemaking**:

➤ The Agency proposals **follow** latest amendments of **JARs**:

- ✧ **JAR-FCL 1 Amendment 7**
- ✧ **JAR-FCL 2 Amendment 6**
- ✧ **JAR-FCL 3 Amendment 5**

But:

➤ JAA NPAs in an advanced phase of adoption were introduced;



## Differences with the JAA system

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For **Rulemaking** (cont.):

- As EASA **implementing rules** are binding in their entirety (not minimum standards nor recommended practices), they shall be **less prescriptive** to provide for flexibility (**performance based**).
- To provide for uniformity, **Acceptable Means of Compliance** have to be issued and **deviations** thereto **controlled** by the Agency.
- As a consequence, some rule material included in Sections 1 of JARs was 'downgraded' to AMC.



## Differences with the JAA system

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For **Rulemaking** (cont.):

- Because the **scope** of the EASA system extends well beyond that of the JAA (ex: JAR-FCL only applies to aeroplanes and helicopters, EASA rules shall cover all other aircraft); and
- Because **drafting principles** of Community law require that a requirement applicable to various persons be set in a single text

**It is not possible to have one rule per type of activity or aircraft**



## Differences with the JAA system

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For **Rulemaking** (cont.):

- The Agency proposals also contain **differences** in the **drafting style** resulting from the application of EU principles.
- Community legislative acts shall be drafted **clearly**, **simply** and **precisely**. The drafting of a legislative act must be:
  - ✧ clear, easy to understand and unambiguous;
  - ✧ simple, concise, containing no unnecessary elements;
  - ✧ precise, leaving no uncertainty in the mind of the reader.





## Differences with the JAA system

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For **Member States**:

- Because of the nature of the EC, Member States **may no more**:
  - ★ **deviate from common rules** - except in the case of art. 14 of the Basic Regulation
  - ★ **impose additional requirements** - to ensure a level playing field and no discrimination
  - ★ **conclude international arrangements with third countries** - transfer of competence produces effects also for international competence



## ➤ IV. The NPA on Organisation Requirements and Authority Requirements



# The NPA on Organisation Requirements and Authority Requirements

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- The NPA is the result of the work of 2 Subgroups of the FCL.001 and OPS.001 groups
  - ✧ FCL.001 Authority Requirements and Management Systems
  - ✧ OPS.001 Authority Requirements and Management Systems
- Work based on:
  - ✧ JAA JIPs
  - ✧ Comparison of national procedures
  - ✧ Total systems approach concept



# The NPA on Organisation Requirements and Authority Requirements

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- The NPA is divided into 3 separate documents:
  - ★ **Explanatory note**
  - ★ **Draft opinion and decision Part OR**
  - ★ **Draft opinion and decision Part AR**



# The NPA on Organisation Requirements and Authority Requirements

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## ➤ The explanatory note:

- ★ Describes the background, structure and content of the Agency's proposals

- ★ Contains 3 Appendices:

- ➔ Explanatory memorandum to Part OR
- ➔ Explanatory memorandum to Part AR
- ➔ Cross reference tables JARs-Parts



# The NPA on Organisation Requirements and Authority Requirements

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➤ The draft opinion and decision Part OR contains:

★ **Draft Part OR:**

- Subpart GEN – containing general requirements applicable to all types of organisations
- Subpart ATO – containing specific requirements for training organisations, including the qualification and use of FSTDs
- Subpart AeMC – containing specific requirements for aeromedical centres

★ **Draft AMC and GM to Part OR**



# The NPA on Organisation Requirements and Authority Requirements

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## ➤ The draft opinion and decision Part AR contains:

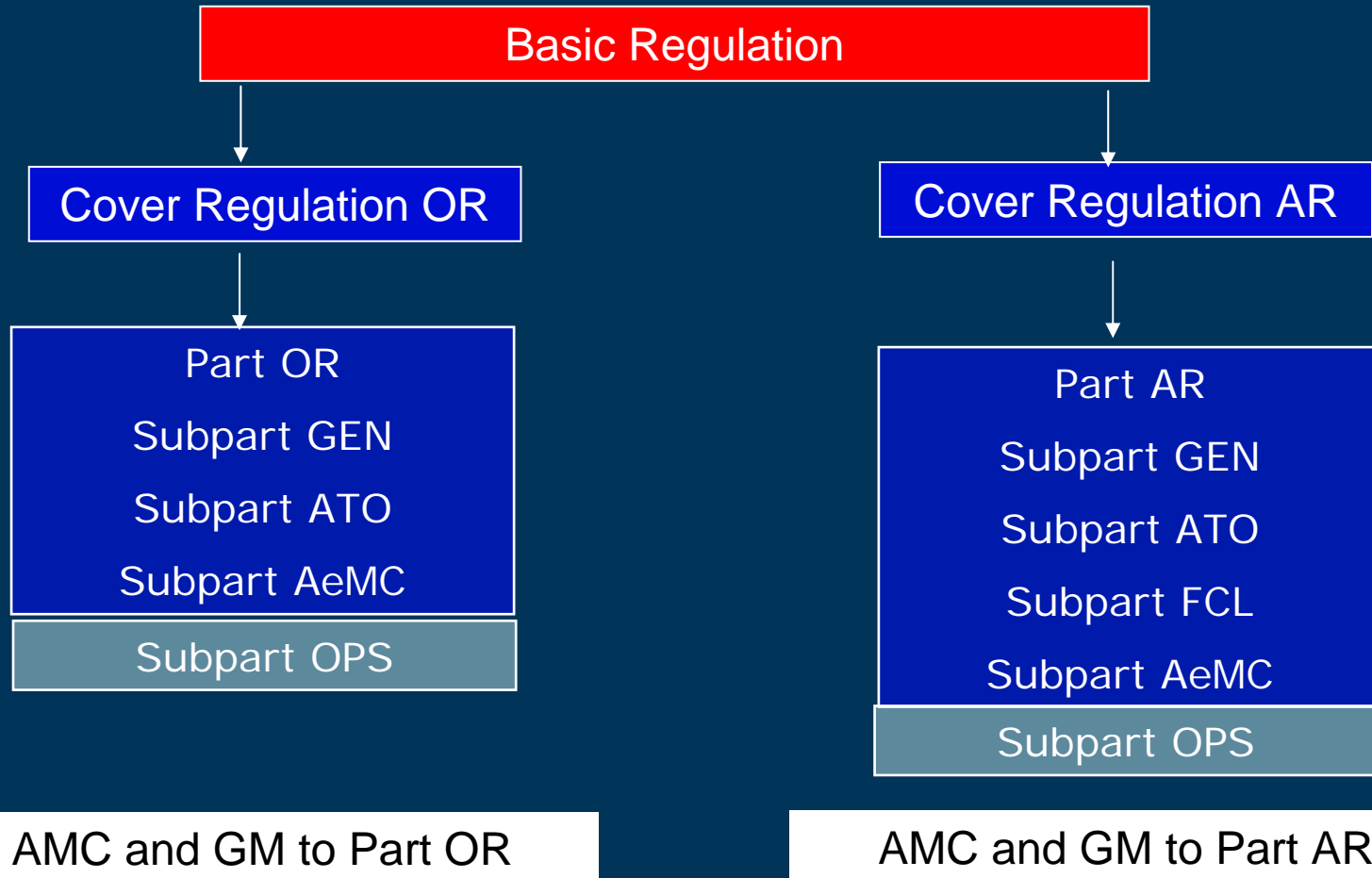
### ★ **Draft Part AR:**

- Subpart GEN –general requirements for competent authorities
- Subpart ATO – specific requirements related to the approval and oversight of training organisations, and the qualification and use of FSTDs
- Subpart FCL - specific requirements related to licensing
- Subpart AeMC –specific requirements related to the approval and oversight of aeromedical centres

### ★ **Draft AMC and GM to Part AR**



# The NPA on Organisation Requirements and Authority Requirements - Structure







# The NPA on Organisation Requirements and Authority Requirements

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## ➤ Something missing?

*We didn't forget !*

- ★ Specific requirements for air operators
- ★ Specific requirements for competent authorities related to approval and oversight of operators
  - ➔ Included in OPS NPA – published at the end of November



# Current Planning

Publication Date	Title	End of Comment Period	Opinion to Commission	Publication Official Journal
05 Jun 2008	<i>Pilot Licensing NPA 2008-17(a)-(c)</i>	15 Dec 2008	Jun 2009	Jan 2010
31 Oct 2008	<i>Organisation &amp; Authority Requirements (general elements and those related to NPA-2008-17)</i>	31 Jan 2009	Jul 2009	Feb 2010
28 Nov 2008	<i>Air Operations; Organisation &amp; Authority Requirements (elements related to air operations)</i>	28 Feb 2009	Aug 2009	Mar 2010
28 Nov 2008	<i>Operational Suitability Certificate</i>	28 Feb 2009	Aug 2009	Mar 2010
15 Dec 2008	<i>Third Country Operators</i>	15 Mar 2009	Aug 2009	Mar 2010



# The NPA on Organisation Requirements and Authority Requirements

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## ➤ The NPA:

- ★ **will be published on the Agency's website**

- ➔ [www.easa.europa.eu](http://www.easa.europa.eu)

- ➔ **Anyone can comment!**

- ★ **please send your comments using the Comment Response Tool (CRT)**

- ➔ <http://hub.easa.europa.eu/crt/>



# Workshops

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Date	Title	Venue
<i>9 – 10 Oct 2008</i>	<i>Management Systems and Authority Requirements</i>	<i>Cologne, Germany</i>
<i>5 – 6 Nov 2008</i>	<i>Air Operations</i>	<i>Cologne, Germany</i>
<i>tentatively: 1-2 Dec 2008</i>	<i>Operational Suitability Certificate</i>	<i>Cologne, Germany</i>
<i>tentatively: 4 Feb 2009</i>	<i>Third Country Operators</i>	<i>Cologne, Germany</i>



**Thank you  
for your attention**