

European Aviation Safety Agency

ADVISORY GROUP OF NATIONAL AUTHORITIES

MINUTES OF 1ST MEETING 2008

18-19 MARCH 2008

Introduction

Mr Probst welcomed all participants and also explained that it has been difficult to organise this meeting due to parallel JAA & ECAC meetings. He then presented Mr Goudou apologies for his absence due to unforeseen circumstances. A round the table followed to give all participants the opportunity to present themselves.

Agenda

The proposed agenda was approved with the following modifications:

- reported under agenda point 1:
 - o progress of the rulemaking tasks on the drafting of implementing rules for the extension of the scope to operations and licensing
- clarified under agenda point 2:
 - o status of the rulemaking task on Part M for general aviation
 - o process for the handling of Accident Investigation recommendations.
 - o changes to Part 66 following publications of NPA 2007-02 & NPA 2007-07
 - o status update on the various rulemaking tasks on Fuel Tank Safety.
- added new agenda items under any other business:
 - o information regarding the implementation of the state letter 59/4-07/47
 - o status update on the establishment of the Safety Management System
 - o harmonised implementation of the rules for operations, licensing and third country operators by National Aviation Authorities

▪ Adoption of minutes of the previous meeting and arisen actions

The Chair apologised for the delayed submission of the minutes, which was caused by the illness of the AGNA secretary that had recently taken up that role. The proposed minutes were accepted.

The action table was displayed and a verbal debrief was given on each individual item as described in the attached action table. A number of actions were closed.

Action required:

1. The Agency to publish the paper regarding direct approval of line stations
2. The Agency to communicate the date and place of the workshop on additional airworthiness specifications for a given type of aircraft and type of operation (Task 21.039)
3. The Agency to invite AGNA to submit examination questions using the template, accompanied with the final report of the Question Data bank
4. The secretary to publish the paper on the “Amendments to the AMC material to Part M” on CIRCA
5. The Agency to produce a position paper setting the legal scene on the issue of “foreign registered aircraft operated by EU operators” to allow for an informed discussion in a next meeting

6. The Agency to circulate a letter with its views on the carriage of PRMs and the evacuation of passengers on board aircraft

1. General introduction

Secretary note: This agenda point was addressed on the second day to accommodate for Mr Gessky absence on the first day.

Update on extension of scope to air operation, pilot licensing and third countries aircraft: The members were informed of publication of Basic Regulation 216/2008, which extends Community competence to air operations and pilot licensing as well as to the oversight of third country aircraft. It repeals Regulation 1592/2002, as well as the SAFA Directive from the date of entry into force of the corresponding implementing rule.

As explained in previous meetings, the Agency recalled the mandate given to the rulemaking groups preparing the necessary implementing rules. They were instructed to transpose the JARs into EASA rules, except when there was a specific safety issue that needed to be addressed or to align to the new legal framework. Additionally, AGNA was reminded that the structure of the implementing rules would be different from the traditional JAR structure; the accompanying impact assessments will evaluate the implications of the anticipated changes. The Agency went on providing the latest status regarding the development of the related NPAs: the draft rule on pilot licensing seems mature but the one on air operations needs further work to address the concerns raised by stakeholders, also the draft rule on operational suitability certificate needs more work. It is therefore, planned to publish the NPAs progressively and in the below order within the next few months.

- Flight crew licensing
- Authority requirements
- Management systems
- Operations
- Third country operators/aircraft
- Operational suitability certificate

The Agency is now reflecting on the right pace of the NPAs publications: one each month would not give global view to stakeholders whilst one every week would overload them. Decisions remain to be done in the light of the maturity of the draft NPAs. It is already agreed that the necessary time will be taken to avoid difficult consultation. However it shall be taken into account that the Basic Regulation foresees that Community competence, including transitional arrangements, has to be exercised before 8 April 2012; as a consequence the more time it takes to adopt the implementing rules, the less time is available for the said transitional arrangements.

In the same spirit, the Agency will organise information campaigns to introduce the changes and avoid dissenting views to be expressed during the public consultation. A general open central workshop on the amended Basic Regulation will take place on the 28 and 29 April. Every NPA publication will be followed by a dedicated workshop to explain the content of the draft rule. This is recognised by the Agency as an important task, though it will stretch its resources.

In response to MMr Lynggaard/Dehnings' question about the format and purpose of the central workshop, the Agency clarified that it concerns two one-day meetings to allow a large attendance. The workshops will focus on the process and the explanations for the changes made as compared to the JAR system.

Mr Dehning asked whether the Agency could share the latest draft of the NPAs with NAAs so that they could prepare for the workshops; the Agency recalled that such will be the case as the dedicated workshop will only take place after publication of the related NPAs.

In response to Mr Burgers's remark about the planning for NPAs publication, the Agency informed members that it will do its utmost to issue: the NPAs by summer; the CRDs by the end of the year; and the corresponding opinions by spring 2009. It is anticipated that the comitology process will be finalised by mid 2009.

In response to Mr Burgers's request as to whether the Agency will establish review groups, the Agency replied affirmatively.

Mr Burgers congratulated the Agency for the work behind the draft rules. He then asked how long the transitional arrangement will be for the pilot licensing implementing rule. The Agency responded that such arrangements can only be elaborated on the basis of the comments received during the consultation; such arrangements are usually the last step in the legislative process and are adjusted during the comitology to ease the adoption of the corresponding rule.

Mr Gessky inquired whether the NPA on operations will contain JAR OPS1, 2 and 3; the Agency responded affirmatively even if in a different format and numbering. In this context it was also clarified that the JAR text used to build the IRs may not incorporate the latest JAA NPAs; they will only contain drafts, which were considered sufficiently mature to go through the system. All the other pending JAA NPAs will be included in the advance planning and will be progressed after the implementing rules are adopted. In view of this, it was explained that new numbers were given to EASA OPS/FCL tasks to avoid confusion with previous JAA NPA numbers.

Update on extension of scope to aerodromes and ATM: The Chair reported that the opinion on aerodromes was published in December. He mentioned that the Commission had produced its own RIA, currently going through internal processes for the production of the legislative proposal.

Concerning ATM, the Agency produced the CRD in March and envisages issuing the opinion in April.

It is very likely that the Single European Sky package will include a proposal to extend the scope of the EASA system to ATM and aerodromes, though contradicting information is received on this point.

Update on extension of scope to environmental protection: The Chair indicated that the Agency drafted a NPA proposing ways and means to regulate environmental compatibility of civil aviation under a total system approach so as to take into account the progressive extension of the scope of the EASA system and the need to address as appropriate Community needs when there are no corresponding ICAO rules. The NPA is ready but the Agency will consider the right moment for publication as it does not want to overload stakeholders, as well as the legislative system.

Update on Bilateral Aviation Safety Agreements (BASA): Concerning the US-EU BASA, the Chair reported that it is still on hold due to the fees and charges dispute; as some progress

has been achieved over the last months, it is expected that signature could take place before summer.

With regards to the Canada-EU BASA, the Canadian process allowing signature is finished. The Commission has launched that process as well but endorsement is still pending. It is anticipated that the agreement will be signed before the summer. The Chair explained that it is a Treaty based agreement that will, for the certification tasks, fully rely on each others systems, whilst the authorities will from time to time, perform joint assessments to continuously evaluate the respective systems.

As to the possible future Brazilian-EU agreement, the Chair informed that the Commission is likely to ask the Council for a mandate to initiate negotiations with the view to replace and extend the current arrangements.

2. Establishment of the 2009 rulemaking programme and advance planning

Exchange of view; indication of priorities; harmonisation with foreign partner authorities; identification of tasks to be included in the 2009 Rulemaking Programme and the Advance Planning

The Chair introduced the subject and presented the Information Papers 01 & 02. The proposal was to review the 2008 advance planning (IP02) for a debate on the tasks' level of priority and the need for harmonisation with foreign authorities; then to identify in the 2009 inventory the tasks that should be included in the 2009 advance planning. He also described the work in progress to produce the 2009 rulemaking plans, using the inputs from the advisory bodies and the harmonisation meeting with FAA/TCCA, scheduled on 1/2 April. This exercise should reflect the views of all those involved in this process. If there was not enough time to discuss in detail these points, members would be able to comment through correspondence after the meeting. The members accepted the proposed working approach.

Mr Burgers believed that the advance planning is a very ambitious plan. The Agency agreed, but explained that the prioritisation process should be distinguished from the planning exercise where the Agency has to evaluate what it can reasonably produce with its available resources. When doing so the Agency will take into account that the OPS/FCL implementing rules do not affect the work of the airworthiness team that is going to be expanded to 16 persons within the next months. Furthermore, the Agency clarified that experience showed that a rulemaking officer can deliver 2 final rules per year (around 40 tasks in the airworthiness field) and follow-up 6 tasks in parallel. The draft programmes will be based on these evaluations.

The ensuing debate on tasks included in the 2008 advance planning is summarised as follows:

BR.008 (Implementation of CAEP8 amendments): The Agency explained the idea behind this task. Today, ICAO requirements are used as a basis for the Agency standards in the field of environmental protection. It is for this reason that Agency staff actively participates and contributes to this process. The plan is to launch A-NPAs to pre-consult with stakeholders on the direction to be taken in the ICAO arena; increase stakeholders' involvement; and provide legitimacy for EASA positions in ICAO groups. It was however highlighted that this new approach will depend on the availability of resources in this domain.

MMr Teillet/Burgers were in support of such an approach. In reply to a remark from Mr Teillet on whether the Agency will continue to provide technical support to the Commission in preparation of ICAO meetings, the Agency responded that it intends to do so.

MDM.001 (b) (Long Range Operations (LROPS)): Mr Gessky suggested aligning the task timeframe to the ICAO timetable (Re. Letter SP 59/4-07/47) or advising on the need to notify differences to the corresponding ICAO SARP. The Agency explained that the A-NPA should give food for thought to experts participating in the ICAO panel and therefore proposed keeping the present schedule. This was accepted by the members.

MDM.020 (Definition of “critical systems”): The Agency reported that it will progress work despite concerns expressed by industry. Furthermore, members were advised that the Agency had not received any nominations of experts with “maintenance” background and therefore would change the working method of this task from “Group” to “Agency”.

MDM.028(a) (Development of an Ageing Aircraft Structure plan – focusing on large aeroplanes): The Agency reported that the group started work in 2007 and expects to deliver within the set timeframe.

MDM.028(b) (Development of an Ageing Aircraft Structure plan – going beyond large aeroplanes): The Agency reported that the NPA publication is envisaged at the end of the year.

MDM.028(c) (Development of an Ageing Aircraft Structure plan – change of operational use): The Agency explained that this task is addressing the case of large aeroplane initially designed as transport aircraft and now being used as fire fighting aircraft. The Group intends to use UK-CAA material as a starting basis.

MDM.032(d) (Regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities): The Agency explained that this task is linked to MDM.032(a) for which an NPA will be published as part of the 2008 rulemaking programme; that NPA proposes changes to Part 21. The present task is about the related AMC/GM material and can therefore only be finalised when the Part is changed.

MDM.032(e) (Regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities): The Agency clarified that this task aims to produce an airworthiness code for Light Sport Aeroplane and indicated that it is also linked to the above mentioned NPA for task MDM.032 (a).

MDM.034 (Composites): The task aims to update the AMC 25.603 to harmonise with corresponding FAA material. The Agency suggested limiting the scope of the task to airworthiness aspects only and not to address training issues (Part 66) for the time being. This approach was supported by AGNA. The Agency shall consider renumbering the task to become a 25.0XX.

MDM.035 (Grouping of various Human Factors related tasks): The Agency reported that the A-NPA is close to publication.

MDM.038 (Non binding guidance on TBO limits): Mr Gessky advised accelerating the task to have the NPA published in the course of 2008. Ms Linden expressed support for the proposal. On Mr Haerynck’s request why the description says “non-binding” guidance; the Agency explained that TBO are for the NAAs to approve as part of the maintenance programme and that only guidance can be provided if the sought for flexibility is to be retained; it agreed to amend the text to clarify this point.

MDM.039 (Harmonization of enforcement system): The Chair explained the background and intent of this task. He stressed that the intention of this task is not to establish Community competence in the area of pecuniary or penal sanctions but rather to harmonise administrative actions on certificates contained in the Sections B of our rules.

MDM.040 (Explore options to address the safety issues generated by ground De/Anti icing): The Agency reported on the outcome of the public consultation where it had received and handled around 100 comments. The CRD will indicate the various options to mitigate safety hazards. Mr Burgers expressed support in keeping the priority level of this task, whilst Mr Weightman offered assistance in the work. Mr Stana pointed out that operators have no real choice and get bad service but Mr Burgers had a different view that can best be captured by the message “you get what you pay for”. In response to this, the Agency suggested having from time to time common meetings with SSCC to allow for discussion on matters that fall outside the scope of what can be addressed under safety regulation.

21.023(d) (Restricted CoA): On Mr Teillet’s request, the Agency informed that the NPA is ready for publication and contains the changes to AMC/GM to Part 21/Part M. The Agency explained that the decision can only be issued upon completion of the legislative process for task 21.023 (b).

21.024(a) (Subpart J DOA): AGNA was informed that the revised Agency proposals were presented to the review group. They did not concur with the changes made and the Agency is therefore considering how best to progress the task.

21.024(b) (The future of DOA): The Agency reported that a paper summarising the concept developed by the rulemaking group is currently under internal review.

21.027 (a) & (b) (Changes and repair to ETSO article outside ETSO authorization): The Agency reported that the NPA proposing amendments to Part 21 and its corresponding AMC/GM will be published soon.

21.039(c) (Elaboration and adoption in the Community framework, of additional airworthiness specifications for a given type of aircraft and type of operation): This task is linked to task 21.039 (a) that encountered delays and that also depends on the outcome of the legislative process. In response to a request of Mr Teillet for information on the status of this task, the Chair explained that CSs should be produced in coordination and aligned to the OPS rules to address subject such as the MMEL and pilot type ratings. Furthermore, he pointed out that the Operational Suitability Certificate concept proposed is facing objections from stakeholders; this affects the timescale of the task. Once the NPA is published, the Agency will organise a workshop to present the content of the draft rule.

21.042 (Part 21 Third party supplier control): The Agency explained the intent of the task that aims at giving credit to the control system scheme, developed by IAQG. Furthermore, it was clarified that the ToR is published contrary to what is said in the advance planning.

21.046 (Replacement parts): The Agency reported that a pre-RIA should have been produced, this is now expected for Q2 2008. In reply to a remark from Mr Gessky who wished having the NPA in 2008, the Agency responded that this is still feasible.

23.005 (Jet airplanes): The Agency reported that it is following a different course than FAA. A meeting was held in February with FAA to discuss the respective approaches. The Agency’s draft rule is more conservative than the FAA NPRM. Mr Weightman expressed support to the Agency approach.

25.015&016 (Engine and APU Failure loads and Sustained Engine Wind milling): The Agency confirmed that the NPA is already published.

25.031 (FAR 25 Amendment 87): The Agency reported that the FAA has the lead and will provide a draft NPRM.

25.035 (Cabin environment – Air Quality): In response to an inquire from Mr Lyngaard about fainting passengers, the Agency pointed out that the consultation of industry and airlines conducted in 2006, did not produced sufficient data to support any reasoned follow-up; it was then decided to conduct an independent study to assess health and safety issues on board aircraft and in particular the fainting passenger. The outcome of the study is expected in autumn 2008.

25.067 (Flight Test Guide): Mr Weightman informed that its representative in the group had changed function and would not be available anymore. However, UK-CAA will try to assist in the drafting of the NPA.

36.005 (Annex 16 to the Chicago Convention, Volume I, Amendment 9 and ICAO Environmental Technical Manual, ICAO/CAEP/7 approved revision): This task is on schedule. The deadline for compliance with ICAO is on November 2008. The certification specification cannot be delivered in 2008 as it depends on the outcome of the legislative process to amend Article 6 of the Basic Regulation.

ETSO.002 (CS-ETSO Update): The Agency follows the FAA TSO process. Mr Teillet wished knowing whether the CO detector is part of this task. The Agency confirmed that it is in the list of TSOs covered by the ToR that will soon be produced.

M.014 (Contracting of technical services): The Agency explained the intent of the task and that an NPA is expected to be published in June.

M.019 (M.A.402 Performance of maintenance): The Agency reported that this task is linked to MDM.032 (a) where the issue of AC43-13 is currently discussed.

M.024 (Amendments (rule and AMC/GM) adapted to the process of granting foreign Subpart F and Subpart G approvals): The rule is expected to be issued in 2009 and linked to the issue of foreign operators using aircraft registered in Europe (Re. see update on Part M general aviation). *Post-meeting note: This task has been renumbered to M.025.*

145.013 (145.A.50(d)): Mr Gessky believed that the issue is largely addressed in CRD 2007-08 and therefore the task could be deleted or the scope could be adjusted accordingly. The Agency agreed to delete the task.

145.020 (145.A.45(e)): Mr Gessky was of the opinion that the issue at stake was covered by CRD 2007-08 but the Agency stated that the clarification introduced in the CRD regarding what a work card is, is not sufficient to delete the task.

66.022 (b) (License for non complex aircraft maintenance engineers): The NPA is expected to be issued by the end of March.

Task 20.002 on Airworthiness and Operational Approval of Electronic Flight Bags

The Agency reported that the task made good progress but that ASD and AEA, supported by two members of the Flight Standards SSCC subcommittee, had requested to postpone the NPA publication because they wish more time to review all the material and close some open issues. Clearly, this would not allow finalising the rule in 2008. The Agency initial plan was to publish the NPA and address dissenting views at the CRD stage, using comments received. The Chair asked for the members' views on the approach to follow.

Mr Teillet explained that the DGAC member in the group reported that work can be finalised by summer and that the NPA can be produced in autumn. He although he does not wish delaying this task, he advised accepting the request for extension and amending the Terms of Reference accordingly.

Mr Weightman proposed also to have two additional group meetings to resolve any open issue and then progress the NPA for publication.

The Agency concluded that the requested extension was supported, as well as the related amendment of the Terms of Reference; it will then consult the SSCC on the new working approach.

Clarification on Part 66 tasks - NPA 2007-02 & NPA 2007-07

The Agency recalled the reasons for having withdrawn the initial CRD 2007-02 from its website and that the review group concurred with the initial text with minor changes. The CRD would be issued before the end of March.

Concerning NPA 2007-07, the review of the comments could start shortly and would take 2-3 months to disposition.

In response to the remarks of Mr Gessky to accelerate tasks 66.009 & 66.011, the Agency agreed to accelerate work for the production of the opinions but stressed that the publication of the decision depends on the outcome of the legislative process amending Part 66.

Update on Fuel Tank Safety tasks

There are two main issues: flammability reduction and training for maintenance engineers. The work on flammability reduction has been supported by an independent study contracted by the Agency.

The intentions are to produce an NPA to modify CS-25 to include the requirement for flammability reduction means on high flammability tanks and to have aeroplanes produced after a certain date also equipped with such means. These two tasks are performed by the Agency. The issue of retrofitting the existing fleet with such flammability reduction means is discussed by a rulemaking group that will report in June 2008.

Concerning training for maintenance engineers, the Agency had produced AMC for training that was adopted early in 2007. These AMC have generated concerns both from Authorities and Industry and the Agency has organised a workshop in November 2007 to examine these concerns. As a result, new AMCs will be developed to address the concerns (Re. to task MDM.022 (b)).

Update on Part M general aviation

The Agency explained the process for the production of the CRD that has been published few weeks ago. That CRD contains the resulting consolidated text to provide visibility to the affected persons on upcoming changes. It also details envisaged transitional arrangements for those items that cannot be reasonably implemented by September 2008.

The Agency participated in the last general assembly of Europe Air Sports; it understood from reactions in that forum that the content of the draft rule seems to be broadly accepted.

Mr Stana asked for clarification on the transitional arrangements and whether standardisation is aware of the national rules that are applicable to national approved organisations. The Agency explained that the standardisation visits will take into account that a national approved organisation is considered to be an EASA organisation during the transition period and therefore subject to standardisation. However, the Agency clarified that there are grandfathering provisions for maintenance and CAMO approved organisations that provide for one year to correct differences (findings) with the Part M requirements.

Mr Teillet pointed out that France is organising a workshop to get feedback from industry. He also raised concerns about foreign CAMO and drew the attention to a possible regulatory gap as regards European registered aircraft operated outside Europe. The Agency explained that in the CRD attachment, it was outlined that NAAs could apply the flexibility provisions of the Basic Regulation to address these issues. Mr Teillet was not satisfied with the fact that the Agency has put the burden on NAAs to address the shortcoming of the rule. This was noted by the Agency who agreed to further examine the issue.

Mr Stana suggested organising a seminar on the amended Part M. The Chair agreed but explained that such a workshop will only focus on Part M and is not supposed to expand to EU-OPS that is not under the responsibility of Agency and is entirely for Member States to interpret.

Mr Burgers asked whether non-commercial operator should have a CAMO, to which the Agency responded that this is only required for large aircraft.

OPS/FCL tasks

The Agency reported that the 2008 advance planning does not contain many OPS tasks as it is currently working on the implementing rules. The two tasks in the advance planning are the follow-up of the opinions that only aim at producing the corresponding AMC/GM material. The rest is in the inventory as most of them will start in 2009 and later. The Agency asked for a feedback on the tasks' priority.

Mr Haerynck pointed out that it is difficult to answer such a question without having seen the NPAs on the implementing rules. The Agency explained that the inventory indicates the priorities as received from the JAA and agreed that they assume that the envisaged NPAs will be adopted. In case some issues contained in the draft rule were taken out to facilitate the adoption of the implementing rules, they would be handled as separate tasks in 2009 or thereafter, depending on the comments received on the NPAs.

Mr Burgers expressed concerns that the authorities may be required to apply both EASA rules and national rules at the same time during the transition period. The Agency explained that national rules will have to be used to fill the gap until the entry into force of the implementing rules. This is the reason why the Agency will propose opt-outs instead of delayed entry into force dates for the implementing rules.

Mr Gessky wished guidance on whether Member States shall notify individually differences to ICAO SARPs. Additionally, he suggested taking into account AIB recommendations when defining priorities for 2009 in the OPS/FCL domain. The Agency responded that compliance with ICAO SARPS will be evaluated during the NPA process and notification of possible differences will be coordinated after adoption of the implementing rules. The Agency clarified that is likely that a difference will have to be notified as regards the Safety Management System (see also the status update on SMS under AOB) to bridge the gap between the date of entry into force of the ICAO SARP, namely 1/1/2009, and that of the Community SMS. Concerning AIB recommendations, the Agency explained that they will follow the same process as the ones related to airworthiness.

Mr Gessky reported that the Austrian Accident Investigation Body (AIB) does not submit their recommendations to the Agency and advised to close this loophole. The Agency agreed that it was unfortunate that some AIBs refuse to recognise the very existence of the Community; however regular meetings are organised with European AIB to promote cooperation and organise for submission of safety recommendations to the Agency when they are related to the airworthiness of product designed, manufactured or registered in the

Community. Additionally, AGNA was informed that the Commission launched a process to review the “accident investigation Directive”; this will provide for an opportunity to clarify the respective roles of the Agency and AIBs.

Mr Teillet enquired how comments on the pre-RIAs will be handled. The Agency responded that a CRD will be produced and circulated to AGNA. The inputs will be taken into account when drafting the 2009 plans.

Mr Gessky wished that IMC issues be handling through task FCL.004; the Agency believes that there is no majority view on this point and wants, therefore, to process them as a separate task.

The Agency reported that it will take into account the proposals made by Mr Gessky on collision warning system although it is believed that the Agency has no legal basis for doing so at the moment. Additionally, the Agency explained that the task on “standard parts” should partially cover the installation of such systems in light sport aeroplanes. The Agency agreed to include a task in the inventory and prepare a position paper on the subject.

As a last point, the Chair pointed out that it will also take into account the two proposals from UK-CAA on “Installation of stretchers in aircraft certificated under JAR/CS 25.562” and “Class E Cargo Compartments – Essential Systems Fire Protection” for which they volunteer to draft the NPAs, during the establishment of the 2009 rulemaking plans.

2009 Inventory

The Agency invited AGNA to review the 2009 inventory and to indicate any task that should be included in the 2009 programme or advance planning. A handout of Mr Gessky’s paper entitled “Comments to WP 04, 2009 Inventory” was distributed to all present and AGNA reviewed the points made in this note.

Mr Lynggard said that the content of the inventory in terms of priorities seems reasonable if the Agency could balance this with available resources.

In conclusion, the Agency invited members to submit in writing their inputs on priority tasks by early May.

Action required:

7. The Agency to renumber task MDM.034 to become 25.0XX
8. The Agency to change the description of task MDM.038
9. The Agency to delete task 145.013 as the issue is addressed by CRD 2007-08
10. The Agency to hold two additional meetings on task 20.002 and then progress it for publication
11. The Agency to look into appropriate measures to address the issue of foreign CAMO and of aircraft registered in Europe and used by foreign operators outside Europe
12. The Agency to organise a workshop on the amended Part M
13. The Agency to distribute the CRD incorporating comments on the pre-RIAs
14. The Agency to include a task in the inventory on “collision warning systems”

3. AOB

Planning of future meetings, including organisation of workshops – IP03

The members confirmed the June meeting dates; reserved the 26-27 November and determined the 18-19 March 2009 as the future meeting date.

There was also a discussion on the proposal of Mr Gessky to return to one-day meeting. The members had varied views on the best approach to follow and suggested not scheduling meetings on Monday's or Friday's. It was agreed that the Agency would indicate in the draft agenda, sent one month in advance of the meeting, the meeting duration that would largely depend on the number and importance of the agenda points.

Concerning the workshop, the Agency reviewed IP03 and invited members to provide topics for central and regional workshops. Possible future themes could be:

- Transfer of used aircraft;
- Foreign registered aircraft operated by EU operators;
- Airworthiness directives;
- Certificates of Airworthiness (C of A), Restricted C of A, and Permit to Fly.

It was agreed that the Agency would send an invitation to ask members to indicate their interest in organising regional workshops and their preference for the theme or any other topic they would like to be addressed.

In another domain, on Mr Gessky's request, the Agency informed members that a workshop on the BASA agreements will take place; details will be communicated to members in due time.

Translation of EASA documents

Mr Hezky introduced the topic and described how his working paper originated from a previous meeting where various options were considered to translate NPAs in the national languages. He presented in detail the various alternatives presented in the paper. The overall objective is to propose the translation of significant NPAs and of the related comments. This cooperation could be formalised by a contract between EASA and NAAs.

The ensuing discussions can be summarised as follows:

- Mr Teillet asked for clarification on whether all NAAs should provide the same services. Mr Hezky responded that this should be each NAA's right to decide its involvement and that there should be a protocol that will allow the NAAs to translate certain Agency documents and outline the process for such exercise. Mr Teillet would be in support of such an approach if NAAs are compensated for that work.
- Mr Gessky explained that translations are done by experts in their authority and suggested to engage in such exercise for non-binding material only, on a case by case and voluntary basis. He also considered that the Agency should not exaggerate on the perceived democratic deficit. Furthermore, he pointed out that the Agency has anyhow the obligation to respond to inquiries in the language of the applicant. Last, he raised the need to correct the translations of the implementing rules, which is a longstanding issue.

- Mr Lynggard and Ms Linden welcomed the proposal in principle and stressed the need to translate certain AMC/GM. They also volunteered to review translations performed by Translation Centre.
- Mr Burgers was of the opinion that there is no need to translate material. His authority has anyhow no capacity for doing so.
- Mr Allik suggested starting with the improvement of the quality of the existing text as the terminology is not correct.
- Mr Stana, who translated JARs in the past, stated that he was not satisfied with the translations of the Community law. The Chair recalled that Council/Commission's groups of linguistic-lawyers, including Member States lawyers, review texts before their publication. Mr Teillet suggested a more pro-active role of Permanent Representations in this process.

The Chair summarised the discussion by stressing that two distinct issues need to be addressed:

- the improvement of the quality of translations and
- the enhancement of the democratic process by better reaching the affected aviation community during consultation.

As for the first, the Agency considered that we can learn from CDT experience to improve quality through cooperation; as for the second, need and means to translate NPAs should be examined, as well as the related financial implications. When doing so priorities for translations should be identified, taking into account that CS are mainly used by industry while AMC/GM are to the benefit of NAAs.

Mr Gessky expressed concerns as translation will delay the production of NPAs and final rules. The Agency recognised this aspect and recalled that any change will have to be addressed through a change to the rulemaking process adopted by EASA Management Board.

The meeting was then presented the organisation and services of the Translation Centre in Luxemburg. AGNA was informed that the Translation Centre already developed cooperation with NAAs when translating JAA material on request of the Commission.

A discussion followed on NAAs validation of translation produced by the Translation Centre.

As a result, it was agreed to create a small working party (up to 5 people) to reflect on practices and implications for an enhanced cooperation between the Agency, the National Aviation Authorities (NAA) and the Translation Centre in the field of translation of rulemaking deliverables.

The Terms of Reference for the working party were defined and include the following areas:

1. Establishment of a network for the validation of Translation Centre documents;
2. Translation of NPAs that lead to an opinion;
3. Translation of AMC/GM;
4. Financial implications of the above processes;
5. Impact on the timing provisions of the rulemaking procedure.

The Agency will invite AGNA to nominate experts for the working group.

The Agency thanked Mr Hezky and the Translation Centre for their contributions.

Harmonised implementation of the rules for operations, licensing and third country operators by National Aviation Authorities

Mr Haerynck introduced this point that aims at providing the possibility for NAA experts to meet and discuss common issues they face in implementing the rules. The Agency explained that standardisation issues and working approaches to best practices are addressed in “standardisation” meeting organised by the Agency. Continuous exchange among experts is done through a tool called “synapse”. When this forum considers that a dedicated meeting should take place, the Agency could organise it.

Another initiative is the training of NAA experts. The Agency was arranging a kick-off meeting with NAA Human Resources directors where it would be proposed to create a long term virtual academy that will provide for the training of new recruits and recurrent training of EASA and NAA staff.

Mr Dehning was in support of Mr Haerynck’s proposal as the JAA Licensing Sectorial Team allowed quite fruitful discussion. He asked whom he could contact when they have a question about the content of a specific rule. Such issues are easier to address in a standing group than by sending questions to a mailbox.

The Agency agreed that the on-going extension to air operations and pilot licensing, taking into account in particular that much regulatory material will be transferred to AMC to provide for the necessary flexibility, will require a stronger partnership between competent authorities to discuss and agree common interpretations of rules. This is likely to be reflected by new working methods, such as groups of experts, allowing standardisation and rule interpretation issues to be addressed at the same time. The Agency intends to make proposals to that effect in the context of the discussions on the future implementing rules.

Information regarding the implementation of State Letter 59/4-07/47 & status update on the establishment of the Safety Management System (SMS)

Concerning the State Letter the Agency has prepared a coordinated answer - sent to the national focal points of the Member States - to be taken into consideration when replying to ICAO. If dissenting views are expressed, the Agency could organise a meeting or advise the Commission.

Mr Teillet asked how the Agency will handle State Letter on OPS/FCL matters; the Agency responded that it will apply the same mechanism.

The Agency provided a status update on the coming ICAO audit of the Agency.

Mr Teillet asked what the status was on the interface with the SMS ECAST initiative; the Agency responded that the ECAST working group will contribute to the practical implementation of SMS at industry level and will work on guidance material to complement the requirements. The first documentation to be developed will focus on hazard identification.

Concerning the Agency’s SMS workshop held in January 2008, the Agency thanked members for their constructive inputs. The outcome of the workshop can be summarised as follows:

- Attended by 220 participants from EASA and non-EASA national authorities, industry and Agency staff.
- EU-OPS is probably not fully compliant with ICAO Annex 6 SMS requirements; although this will be corrected in the future implementing rules, there may be a gap; this raises concerns with some NAA, which fear reactions by some third countries.
- There is a need to identify the required level of the safety in the State safety programmes. This can no more be decided by Member States in areas of Community competence; the issue need therefore to be tackled at two levels: the Community and National ones.
- It was agreed to establish an informal working party, composed of volunteers to examine ways and means to harmonise the State safety programmes.
- The Agency will organise a training provided by ICAO on SMS. *Post-meeting note:* the date of the training on SMS is provisionally planned for 22-26 September 2008 in EASA headquarters, Cologne.

The first meeting of the above group is planned for the 8 April:

- to analyse Member States initiatives as regards State safety programmes;
- to define the extent of national versus community provisions of these programme, this means a regional approach towards the introduction of such a programme.
- to propose text to be included in the future implementing rule on authority's requirements to ensure a consistent approach towards ICAO.

Annex II aircraft

Mr Teillet indicated that France is considering revising the national rules for Annex II aircraft and align them to the EASA system; it asked in that context whether it was possible to use Part M for Annex II aircraft. The Agency responded that a NAA could decide to use Part M as its national rules; this however is a voluntary decision. Care should be taken that appropriate links with other national rules are established to avoid possible vacuums, for example when Part M says that "data shall be approved in accordance with Part 21", it has to be modified to read "national rules". Concerning Forms, the Agency explained that EASA Form 1 cannot be used because that could give the impression that such aircraft could move freely throughout Europe. It is, therefore, necessary to create national forms. Mr Banal confirmed this and reported that the Agency raised a finding on an EASA approved production organisation that had used their approval to produce Annex II aircraft parts and used EASA Form 1 to release them.

In another domain, Mr D'Urso said that national rules were developed to address Annex II aircraft but the problem is the introduction of EU-OPS. The Chair recognised that EU-OPS mandates Part M, including oversight of the fleet by a CAMO, including for Annex II aircraft used in commercial air transportation. The best way to address that issue in the short term is to use article 8.3 of 3922/91 and ask for an exemption. For the longer term, as Regulation 216/2008 applies to the commercial air transport with certain Annex II aircraft, it is its intention to solve the issue in the future implementing rules.

Action required:

- 15. The Agency to invite AGNA to indicate interest and topics for regional workshops
- 16. The Agency to investigate means to translate NPAs
- 17. The Agency to invite AGNA to nominate experts for a small working group to reflect on cooperation means between CDT, NAAs and the Agency

Date of next meeting

The next meeting will be held on 25-26 June 2008 in Cologne.

Actions table

Action #	What	Who	When	Status	Comments
1-42-06	Send a letter to DG Trade on the “FAA requirements on imported parts” and the problems faced by European equipment manufacturers.	Agency		O	The Agency awaits for the conclusion of the BASA negotiations.
1-10-07	Make a written response on the standardisation of approved line stations.	Agency		C	The question is about NAA responsibility when line stations are located outside the country of the MOA. The Chair reported that the matter was discussed at the Standardisation meeting but since some AGNA members are not part of it, it was proposed to distribute the paper to the members.
1-12-07	Organise a workshop on UAV with all key players in 2007.	Agency		C	The Agency gave a verbal report on the results of the workshop that took place on 1 February 2008. The workshop achieved its objective to exchange information, however, it did not provide with clear indications how to develop in practice the regulatory framework needed for UAV operation in non segregated airspace.
2-05-07	To liaise internally with the Safety Analysis Department to coordinate and harmonise the publication of information on the analysis of Accident Investigation Body (AIB) recommendations and the content of the rulemaking programme.	Agency		C	The Chair reported on the structure and working methods of the Agency Internal Safety Committee that handles the AIB recommendations. He further stated that the Directorate contributes to the responses given by the Agency in the field of rulemaking.
2-06-07	To organise a workshop to explain the proposed framework for additional airworthiness specifications for a given type of aircraft and type of operation – task 21.039.	Agency		O	The Chair reported that the workshop will take place before summer. The exact date and place will be communicated by a dedicated letter to the advisory bodies.

Action #	What	Who	When	Status	Comments
2-09-07	To consider adding a task to the 2008 advance plan on UAVs after holding the workshop	Agency		O	The Agency briefed members on the outcome of the workshop, the main point being that the Agency had not yet received enough inputs to decide on the way forward on the issue at stake. Given this fact, it proposed to keep that action item open. It also informed members about its participation to the upcoming ICAO UAV panel meeting.
2-16-07	To provide possible material produced at national level related to task 66.007 - Question Data Bank (QDB).	Members		O	The Agency reported that it had not received any input from members so far. It was also brought to the members' attention that JAA is reconsidering its position as regards the transfer of the FCL databank to the Agency. In a reply to Mr Lynggaard asking about the reason of this action, the Agency clarified that it intends to establish a Part 66 examination data bank. Mr Teillet suggested producing a template to facilitate the process. In conclusion of this item, the Agency agreed to produce and submit a template to members, together with the study final report.
3-1-07	Submit comments within the next two weeks so that the SMS paper could be adjusted before the workshop	Members		C	The Agency thanked members for their useful contributions.
3-2-07	Provide comments on the TBO issue to help progressing the task	Members		O	The Agency reported that it had not received any input and solicited for material to advance work.
3-3-07	Circulate the notes of the internal meeting on the "Amendments to the AMC material to Part M" issue	Agency		C	The paper was handed over to members on the second day of the November meeting. The secretary will post the paper on CIRCA.
3-4-07	Provide a list indicating positive & negative priorities for the OPS and FCL tasks part of WP03	Members		C	The Agency received limited response on this request. The issue will be addressed under agenda point 2.
3-5-07	Brief members on how it plans to control hazards with respect task 25.055 in view of the delivery of the rule by 2010	Agency		O	Internal coordination is taking place to progress this issue; the results will be reported at the next AGNA meeting.
3-6-07	Review and clarify the task description of the OPS/FCL tasks wherever possible	Agency		C	The papers presented for this meeting and the next steps in the definition of the 2009 programmes close this action. Moreover the Agency clarified that it will review the task description on the basis of feedback received on these papers and reflect the result in a Comment Response Document.

Action #	What	Who	When	Status	Comments
3-7-07	Provide their views on priorities and on tasks, which require international harmonisation, by the end of March 2008	Members		C	The Agency reported that it had received limited response, and suggested addressing this item under agenda point 2.
3-8-07	Consider organising a thematic meeting on “foreign registered aircraft operated by EU operators”	Agency		C	The Agency explained this subject is not worth a full day meeting. It will therefore produce a position paper to set the legal scene and allow an informed discussion in a next meeting. (create new action point)
3-9-07	Send a letter inviting NAAs to indicate their interest in organising regional workshops	Agency	Asap	O	
3-10-07	Produce a position paper on the 2nd working method proposed by UK CAA & DGAC FR with respect the voluntary drafting of NPAs	Agency		O	
3-11-07	Review the 2008 advance planning and indicate tasks in which NAAs could assist the Agency with NPA’s drafting	Members		O	The Agency reported that UK-CAA is the only one to have volunteered. It was agreed to keep the action point open.
3-12-07	Produce an information paper on the translation and publication of EASA material by NAAs	Mr Hezky		C	The Agency thanked Mr Hezky for its paper on the translation & publication of EASA material on NAAs website
3-13-07	Inquire within their NAA for the responsible individuals with respect to organisations approvals and to provide the contact details to the Agency	Members		O	A few responses have been received. In absence of a formal invitation (see action 3-14-07), the Agency suggested keeping this action open.
3-14-07	Invite in writing NAAs to submit focal points on organisation approvals databank	Agency		O	
3-15-07	Conduct a study on the relationship between the number of PRM individuals and the evacuation of passengers on board aircraft	Agency		O	The Agency explained that it had envisaged commissioning a study on the issue at stake but recent developments within the Commission and ECAC had delayed that process.
3-16-07	Provide UK-CAA material on the “survey on standard weights of passengers and baggage” and “contaminated runway friction”	Mr Woods		O	Mr Weightman explained that the promised material for the first topic originates from the respective JAA group and is considered to be outdated. With regard to the second topic, data that will be submitted soon to the Agency.
3-17-07	Provide additional topics for short-term research with a short justification by the end of February 2008.	Members		C	The Agency thanked members for their inputs. It informed members about the reduction of the 2008 Community contribution that would affect the Agency research activities. Last, it briefed members that the issue was addressed at the last EASA-NAA partnership meeting.

Action #	What	Who	When	Status	Comments
1-1-08	Publish the paper regarding direct approval of line stations;	Agency	Asap	O	
1-2-08	Communicate the date and place of the workshop on additional airworthiness specifications for a given type of aircraft and type of operation (Task 21.039);	Agency		O	
1-3-08	Invite AGNA to submit examination questions using the template, accompanied with the final report of the Question Data bank;	Agency		O	
1-4-08	Publish the paper on the “Amendments to the AMC material to Part M” on CIRCA;	Secretary	Asap	O	
1-5-08	Produce a position paper setting the legal scene on the issue of “foreign registered aircraft operated by EU operators” to allow for an informed discussion in a next meeting;	Agency		O	
1-6-08	Circulate a letter with its views on the carriage of PRMs and the evacuation of passengers on board aircraft;	Agency		O	
1-7-08	Consider renumbering task MDM.034 to become 25.0XX	Agency		O	
1-8-08	Change the description of task MDM.038	Agency		O	
1-9-08	Delete task 145.013 as the issue is addressed by CRD 2007-08	Agency		O	
1-10-08	Hold two additional meetings on task 20.002 and then progress it for publication	Agency		O	
1-11-08	Look into appropriate measures to address the issue of foreign CAMO and of aircraft registered in Europe and used by foreign operators outside Europe	Agency		O	
1-12-08	Organise a workshop on the amended Part M	Agency		O	
1-13-08	Distribute the CRD incorporating comments on the pre-RIAs	Agency		O	
1-14-08	Include a task in the inventory on “collision warning systems”	Agency		O	
1-15-08	Invite AGNA to indicate interest and topics for regional workshops	Agency		O	
1-16-08	Investigate means to translate NPAs	Agency		O	
1-17-08	Invite AGNA to nominate experts for a small working group to reflect on cooperation means between CDT, NAAs and the Agency	Agency		O	

Legend

O: Open

C: Closed (The items indicated as closed will disappear from table in the next minutes)

~: continuous task

WP: Working Paper

IP: Information Paper

Participants in AGNA meeting

EASA Member States

(Members)

Walter Gessky (2nd day)
Austria
Vitezslav Hezky
Czech Republic
Louise Holtoug Amundsen
Norway
Ingrid Linden
Sweden
Matthieu Burgers
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José Silvero Rocha e Cunha
Portugal
Sigurjon Sigurjonsson
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Jean Teillet
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Graham Weightman
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