



EASA Meeting with Aviation Industry

Feedback on Roadshow Question



European Aviation Safety Agency

US Roadshow 17-20 March 2008

- Washington 17-18 March
 - Wichita 19-20 March
 - Presentations to the US Industry and the FAA on:
 - ✧ The EASA System
 - ✧ Third Country Operators (TCO)
 - ✧ Flight Crew Licences (FCL) issues
 - ✧ Operational Suitability Certificates (OSC)
 - Main issues arising from Q&A session presented presented in following slides
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The EASA System

- **Will the transition measures be subject for public consultation?**
 - ✦ **Transition measures can only be elaborated when more is known about the exact content of the final rule and of its impact.**
 - ✦ **As a consequence NPA's do not include detailed proposals on how the transition from national requirements to the implementing rules will take place.**
 - ✦ **However, to be in a position to well prepare such measure the explanatory notes in the different NPA's contain proposals for transition measures, which give the stakeholders the possibility to express their views on these proposals.**
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TCO

- Does EASA have the ability to issue exemptions against specific requirements in the same way as Member State NAAs?
 - ★ No, Regulation (EC) No 216 / 2008 doesn't allow the Agency to grant exemptions.
 - How will EASA deal with ICAO differences that are filed, particularly for standards which are essential for air safety?
 - ★ It is foreseen in Part Third Country Operators (TCO) that operators must demonstrate which mitigating measures or procedures has been established to ensure an equivalent level of safety as provided in the ICAO Standard for which a difference was notified.
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TCO

- Can EASA impose fines on third country operators?
 - ✦ EASA can only make a recommendation to the European Commission to institute a fine, but the actual fine will be imposed by the European Commission.
 - A solution for EASA and the FAA for various new rule changes is the addition of new annexes to the bilateral agreement, but how will you deal with other countries affected by your rules where you do not have a bilateral?
 - ✦ Operators from these third countries need to fully comply with the future Part TCO
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FCL

- How is the oversight of flight simulators carried out regarding an organization whose principle place of business is outside the EC and there is a secondary site within the EC?
 - ✦ **In the present case, EASA would be responsible for the certification of all the FSTDs of that organisation, since the determining factor is where the organisation has its principal place of business.**
 - ✦ **As for the oversight:**
 - For the FSTDs located outside the EU, EASA would be responsible.
 - For the FSTDs located in the EU, the Member State in which the secondary site is located is responsible for the oversight.
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FCL

- From a safety perspective why do examiners need to have a valid license and medical certificate?
 - ★ The medical requirements do not apply to simulator instructors, and the license requirements are detailed in Regulation 216 / 2008.
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FCL

- How is Article 7 interpreted regarding the unilateral acceptance of licenses, and can we use article 7 to be applied to licenses for foreign flight training schools?
 - ★ The possibility for 'Unilateral acceptance' of licences is established in article 7 7(2) of the Basic Regulation for the case of pilots of aircraft registered in a third country and used by an operator for which a Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community. This possibility only applies to pilot licences and medical certificates; it does not include instructor or examiner certificates.
 - ★ The FCL NPA (NPA 2008-17) includes proposals on the implementing rules for the acceptance of foreign licences (Annex III to the FCL cover Regulation) which were based on JAR-FCL 1 and 2.
 - ★ Since in accordance with the definition in article 3 (h) of the Basic Regulation an operator is any legal or natural person operating or proposing to operate an aircraft, than the provision of article 7 can be applied to training organisations, as long as they and their aircraft comply with the remaining requirements established therein.
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FCL

- There appears to be a solution which would be a bilateral on IPL and simulators, when will this be commenced?
 - ★ The European Commission is the competent body for bilaterals and they have not requested EASA yet to start working on new draft annexes on IPL and simulators.
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FCL

- **How will the JOEB continue in the new EASA system during the transition before EASA becomes competent for implementation?**
 - ★ **During the interim period (from 30th June 2009, when JAA-LO will cease to exist, and until the EASA Implementing Rules become effective), the JOEB process, renamed the “OEB process” will continue undisrupted, as ensured by the EASA / NAAs Memorandum of Understanding (MoU), which is in the process of being signed, and is expected to become effective as of 1st July, 2009.**
 - ★ **In light of this document:**
 - The same procedure will apply to conducting aircraft operational evaluations (Annex 1 of the MoU – is a transposition of the former JOEB JIPs);
 - Cost recovery will maintain the same principle –of charging the manufacturer directly;
 - The same OPS/FCL/MMEL/FSTD requirements will apply, together with the associated guidance material and the other administrative procedures
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OSC

- **How long does the OSC take to issue?**
 - ★ **The TC and OSC applications can be run in parallel, so in theory they can be issued together. If the full OSC would not be ready in time before entry into service there is the possibility of an interim OSC. The duration basically depends on the project itself and the extent of the application. Although the current JOEB process has a different scope than the foreseen OSC process, it can be used as a reference for duration (e.g. from some months to two years).**
 - **In Europe you have DOAs which can have privileges for design changes; can this be extended for TVP for US applicants?**
 - ★ **No as there is no equivalent regulation in the US system to the OSC therefore we are looking at having the possibility of a limited DOA for non EU applicants that would permit an organization to have a specific privilege for OSC changes.**
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OSC

- How does the TC holder demonstrate compliance with the OSC-do you have specific staff requirements for making such a determination?
 - ★ No there are no specific staff requirements-the applicant is the legal entity and as such is responsible. The fact that the applicant shows compliance with the applicable certification specifications in order to obtain an OSC will demonstrate the applicant's capability.
 - For validation of the US type design OSC can we delegate to the FAA?
 - ★ No, as there is no equivalent in the US system, however this may be possible for the MMEL, provided bilateral arrangement are in place.
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OSC

- How will EASA manage the grandfathering of the current aircraft for the OSC concept, we are particularly concerned about the general aviation aircraft, what is your policy?
 - ★ Different options are discussed in the NPA 2009-01 and a specific question is asked in the NPA. Depending on the outcome of the NPA and the answers/reactions to this question, all the possible options will be further explored after the consultation period. A Regulatory Impact Assessment will be developed to support the final decision by the European Commission on the grandfathering and transition measures.
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OSC

- **How will the OSC transition be carried out?**
(Note: US Industry is in favour of a one year transition for existing certificates that follows the previous 1702 TC transition rather than the 2042 maintenance transition so they do not have to re-issue the certificates)
 - ★ **The transition measures for the introduction of the OSC have not yet been finalised. There are different options proposed in the NPA 2009-01 and commentors are invited to indicate their preference together with a justification. Based on all the inputs from stakeholders the Agency will make a proposal for the transition measures to the European Commission that will make the final decision. Initial grandfathering of existing certificates is part of the proposals but in the longer term re-issuance of certificates may be unavoidable.**
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Thank you for your attention
