This supporting document complements both the European Aviation Safety Programme[1] and the European Plan for Aviation Safety.

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[1] Register of Commission Documents - COM(2022)529 (europa.eu)

Contents

1.   The EPAS programming cycle - general

Up to its 11th edition (EPAS 2022-2026), the EPAS covered a five-year timeframe and was issued as a rolling plan with annual updates.

Starting with the 12th edition that led to the publication of the 2023-2025 edition of EPAS Volume I 'Strategic Priorities', the timeframe is reduced to three years. This aligns with the reference period of the Global Aviation Safety Plan. Strategic priorities are set for the three-year reference period, with a mid-term review to ensure they remain relevant. In line with Article 6 (1) of the Basic Regulation, EPAS Volume II 'EPAS actions' as well as Volume III 'Safety Risk Portfolios' continue to be reviewed and updated on a yearly basis.

The EPAS is developed in close collaboration with Member States and relevant stakeholders, in particular:

o   the Member States Advisory Body (MAB) and the Stakeholders Advisory Body (SAB) provide advice on strategic priorities;

o   the domain technical/sectorial bodies representing Member States and industry provide technical and operational advice as well as feedback on specific actions and their implementation; and

o   the collaborative work performed by EASA with its safety partners supports the development of the Safety Risk Portfolios.

An overview of all stakeholder and expert groups and bodies having a role in EPAS development and implementation is available here: **EPAS Working groups and Bodies**

A full EPAS programming cycle, entailing the review of all EPAS volumes is initiated once every three years at the beginning of the year preceding the first year of the new reference period. It foresees two distinct phases:

Phase I:

o   During the first phase, the Agency's corporate strategy as presented in the Single Programming Document, itself derived from the EU Aviation Strategy[2] and the safety priorities determined through the European Safety Risk Management (SRM) process, are discussed with the EASA Advisory Bodies (ABs).

o   MAB and SAB take the lead in consolidating inputs from their domain technical/sectorial bodies and provide EASA with the Member State/industry views on the priorities. Following formal consultation of the MAB and SAB and disposition of comments the EPAS strategic priorities for the next reference period are agreed.

Phase II:

o   Based on the agreed safety priorities the planning milestones for individual EPAS actions are defined (new actions) or updated (existing actions) in line with the EASA Single Programming process[3]. A draft EPAS Volume II is then developed and provided to all ABs for comments.

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[2]   European Commission presents an Aviation Strategy for Europe (europa.eu)
[3]   Annual Programmes & Reports | EASA (europa.eu)

o In parallel, EPAS Volume III, providing a full set of domain safety risk portfolios and a description of the safety issues identified, is updated through the European SRM process[4].

o AB comments received during the consultation of Volume II are assessed and feedback is provided to the ABs. Changes are made to the draft EPAS Volume II in reaction to AB comments and to reflect the latest status of progress with EPAS action implementation. Upon completion of these steps the final draft EPAS is consolidated .

o The final draft EPAS composed of all three Volumes is subsequently submitted to the EASA Management Board (MB) for adoption.

o Following the adoption of the EPAS by the MB the final version is prepared for publication. During this step all data for deliverables published since submission to the MB is reviewed and updated. The final EPAS is then published on the EASA website[5] and stakeholders are notified of its publication.

At the beginning of the first and second year of the reference period the annual review of EPAS Volumes II and III is initiated. The steps of Phase II are performed.

2. EPAS Volume II 'Action' drivers

The main objective of the EPAS is to further improve aviation safety and the environmental performance of the aviation system throughout Europe, while ensuring a level playing field, as well as fostering efficiency and proportionality in regulatory processes. Accordingly, while EPAS actions may be triggered by drivers other than safety, namely efficiency/proportionality, level playing field or environmental protection, the primary objective of any such action is to ensure that the intended changes in the aviation system do not adversely impact aviation safety. These four drivers should be understood as *main* drivers. A number of actions could well fall under several drivers, however within EPAS Volume II the actions are grouped as per the most relevant driver.

The EPAS action drivers are defined as follows:

Safety:

The actions in this category are directly driven by the need to increase or maintain the current level of safety in the aviation sector. They mainly originate form hazard identification and risks assessments performed as part of the European SRM process.

A detailed description of the European SRM process is provided in the EPAS Volume III.

Efficiency/proportionality:

The actions in this category are primarily driven by the need to ensure that rules are cost-effective in achieving their objective, as well as proportionate to the risks identified. Having included an action in this category by

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no means signals that there are no related safety objectives; however, the effects on efficiency and proportionality prevail over those on safety.

Main sources for efficiency and proportionality issues are:

- feedback from National Competent Authorities (NCAs) and industry, channelled through the ABs,
- results of EASA monitoring and ex-post evaluations,
- amendments to the ICAO Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS).

Level playing field:

The actions in this category are mainly driven by the need to ensure that all players in a certain segment of the aviation market can benefit from the same set of rules, thereby promoting innovation, supporting fair competition and ensuring free movement of persons and services. This is particularly important for technological or business advancements where common 'rules of the game' need to be defined for all actors.

Level playing field may either relate to ensuring a uniform application of EU law within EASA Member States or address the need to harmonise with the rules of foreign Regulators for States with whom the EU has engaged in a Bilateral Aviation Safety Agreement (BASA), such as, but not limited to the Federal Aviation Administration (FAA), Transport Canada Civil Aviation (TCCA) or Agência Nacional de Aviação Civil (ANAC) Brazil, in order to ensure fair competition or facilitate the free movement of goods, persons and services.

Actions in this category will directly contribute to maintaining or even increasing the current level of safety. Main sources for level playing field actions are feedback from the EASA Standardisation process, NCAs and industry, as well as rulemaking coordination with the bilateral partners.

Environment:

The actions in this category are driven by the need to improve the current environmental performance of the aviation sector, while striving to ensure a level playing field globally. Main sources for environmental candidate issues are the ICAO Standards and Recommended Practices (SARPs) in ICAO Annex 16 and Procedures for Air Navigation Services (PANS), as well as the European Aviation Environmental Report (EAER)[6] (refer to **EPAS Volume I Section 4.2)**

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[6]   www.easa.europa.eu/eaer

3.   How candidates for EPAS actions are identified and prioritised

3.1   Inputs considered

EASA considers, for a possible need to take action, inputs (i.e. issues or candidates) from various sources, as follows:

- Amendments to the ICAO SARPs as well as PANS falling in the remit of EU regulations,

- Rulemaking priorities of foreign Regulators for States with whom the EU has engaged in a Bilateral Aviation Safety Agreement (BASA),

- Safety Recommendations addressed to EASA by Safety Investigation Authorities (SIAs),

- Safety issues identified as part of the European Safety Risk Management (SRM) process and prioritised for mitigation,

- Updates to the European ATM Master Plan, in particular strategic deployment objectives and SESAR deployable solutions,

- Safety, environmental protection, level playing field and efficiency/proportionality issues identified

    o by the European institutions, in particular through a legal mandate for EASA to propose new or amend regulations,

    o through the EASA Standardisation process,

    o through EASA monitoring or ex-post evaluation,

    o by the EASA ABs, and

    o by individual NCAs, the Industry or private persons, by means of the EASA 'Candidate Issue Identification' form[7].

Those inputs may take the form of an issue description (problem statement), a proposal for specific action (hereafter referred to as candidate action), or a combination of both.

3.2   Scoping and initial assessment

All inputs identified are subject to an initial verification to assess whether they fall within EASA's remit. Inputs falling outside EASA's remit will be 'discarded' and initiators informed accordingly.

There may be cases where the issue can be addressed by means of an ad-hoc action as opposed to a formal EPAS action. Examples of ad-hoc actions are EASA Safety Information Bulletins (SIBs), guidance documents published on the EASA website or safety promotion campaigns expected to be completed before the next EPAS reference period starts. Moreover, the issue may have already been addressed in the past or is currently being addressed through an existing EPAS action. In all such cases the initiators will be informed accordingly.

Following this initial verification, the issues/candidates are assessed to determine the affected stakeholders, the criticality of the underlying issues, which EU regulations are concerned and whether the issues need to be mitigates / the candidate needs to be addressed, and what actions could be envisaged.

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[7]   Candidate Issue Identification form | EASA (europa.eu)

The assessment takes place in accordance with a set of criteria, including:

o   whether there is a legal obligation to act,

o   whether there is a link with the EPAS strategic priorities as per **EPAS Volume I Chapter 3,**

o   potential safety, economic, socio-economic and environmental consequences, if the issue identified is not addressed or the action proposed not endorsed, and

o   workload at EASA, Member States' and industry level to develop and implement the action.

Prioritisation is done across domains but also within a domain; for instance, if an issue is small in absolute terms (across domains) but fundamental for a specific aviation domain, it will be afforded higher priority.

During the initial assessment EASA determines which of those issues/candidates require a further in-depth analysis or detailed impact assessment to support decision-making. The level of impact, criticality and complexity determines the type of assessment to be performed.

o   For example: the transposition of a non-complex, non-controversial ICAO SARPs amendment will normally not require any further analysis/assessment, whereas the creation of a new type of personnel licence or organisation approval will require a thorough analysis and assessment of impacts on all stakeholders affected.

The issues/actions requiring a further in-depth analysis or detailed impact assessment are subsequently processed as described in chapter 3.3.

Where the issue and need to take action is confirmed, but the initial assessment does not conclude on the need for an in-depth analysis or detailed impact assessment, and where the means through which the issue may be mitigated/addressed can be clearly established, an EPAS action is proposed. This is for example the case for non-complex, non-controversial issues which can only be addressed through rulemaking, and which therefore may be addressed via regular update RMTs[8]. In such a case a new EPAS action is validated by EASA and will subsequently be included in the initial draft EPAS Volume II for AB consultation.

3.3   In-depth analysis

Where the initial assessment conclude on the need for an in-depth analysis EASA will initiate the assessment process with the objective to:

-    confirm the relevance of the issue, in particular with regard to the EPAS strategic priorities,
-    confirm the need for taking action, and
-    determine the most cost-effective approach to tackle the issue.

This assessment process is performed in accordance with the Better Regulation principles[9]. The level of details of the issue analysis and impact assessment is proportionate to the level of impacts (e.g. minor/major) and the controversiality of the topic.

The issues/candidates requiring an in-depth analysis or impact assessment are grouped per topic (for example: airborne collision risk, language proficiency oversight and assessment). For each topic the related issues are analysed from a safety, environmental protection, level playing field and efficiency/proportionality

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[8]   for a description of regular update RMTs refer to Annex I.
[9]   for more details refer to Annex II.

perspective. Available evidence is included to support the analysis performed. Safety issues prioritised for mitigation will be subject to a full safety issues assessment (SIA) in accordance with the European SRM process.

Stakeholders and safety partners are considered throughout the issue analysis, not only by focusing on the ones mostly and directly affected, but also taking a wider view on other aviation stakeholders. Following the issue analysis, a range of possible actions is defined.

The proposed actions are then defined and each assessed for their possible impacts. The extent of the assessment is proportionate to the potential impacts and the controversial elements considered: the bigger and/or the more controversial the issue, the more detailed the assessment will be.

For controversial and complex issues the assessment will be captured in a Best Intervention Strategy (BIS) report, summarising the main findings of the impact assessment and proposing an action or range of actions as part of an 'intervention strategy'. The draft BIS report with proposed actions is consulted with the EASA ABs and their comments considered for the validation of the final actions in the EPAS. Planning milestones for these actions will be determined, also taking into account the resources available (in accordance with the EASA Single Programming Document).

Note: A list of BIS topics and their status is available in the Appendix to EPAS Volume II.

3.4   Output of the initial assessment and in-depth analysis/impact assessment

EPAS actions validated as per the processes described in chapters 3.2 and 3.3 could be any one or a combination of the following types:

— Rulemaking tasks (RMTs)
— Implementation Support tasks[10] (ISTs)
— Safety Promotion tasks (SPTs)
— Research projects (RES)
— Member State tasks (MSTs)
— Evaluation tasks (EVTs)[11].

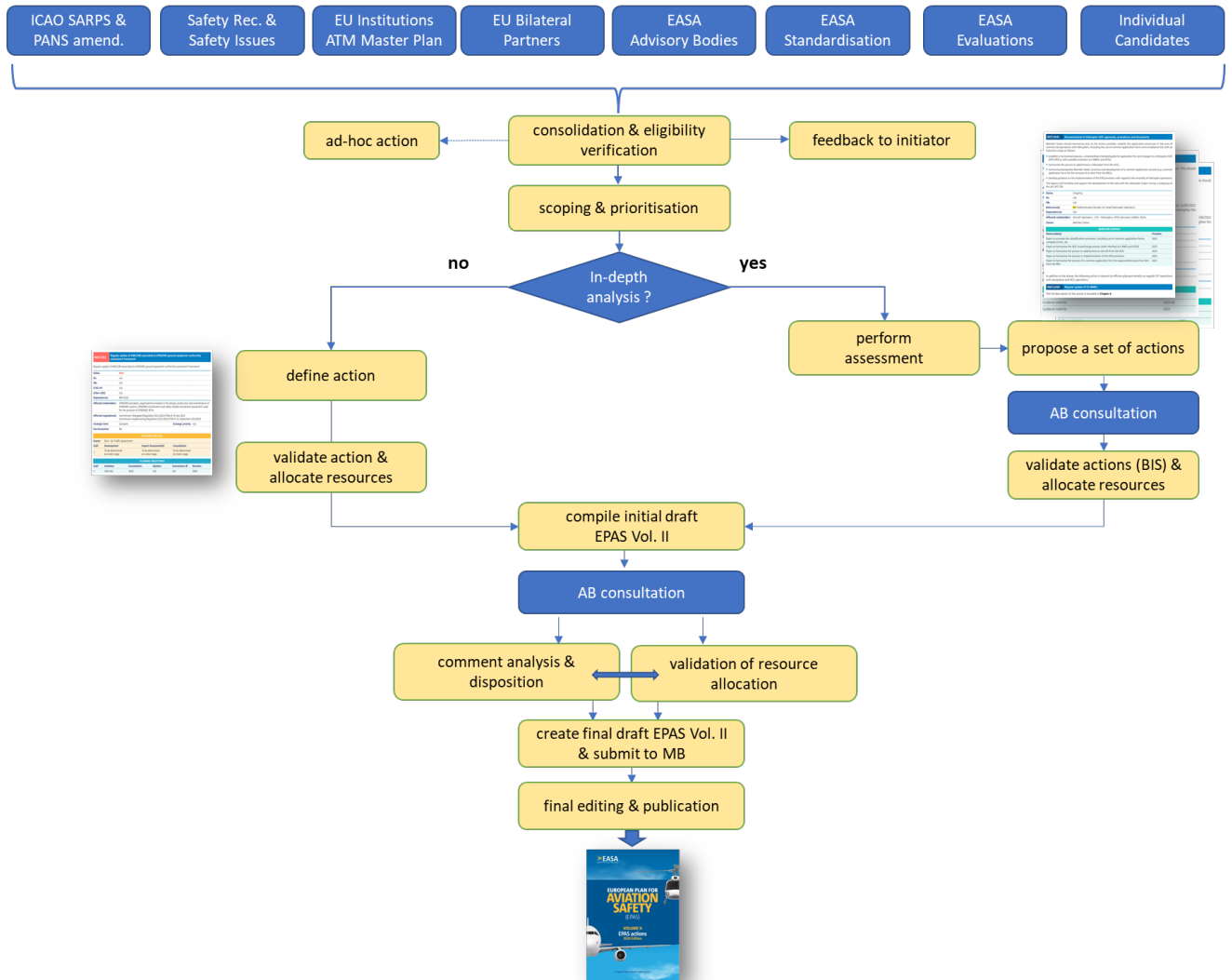Refer to **EPAS action types and templates**

Following these steps the new EPAS actions will be included in the initial draft EPAS Volume II and the AB consultation will be initiated as described in chapter 1.

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[10]   introduced with the 2023 edition of EPAS Volume II.
[11]   for a description of EVTs see Annex III.

The below graph illustrates the steps described in 3.1 to 3.4 :

Annex I - Regular update RMTs

As the aviation system is complex and rapidly evolving, the corresponding rules need to be reviewed and updated regularly to ensure that they are fit for purpose, reflect the state of the art and best practices, are cost-effective, can be implemented in practice, and that they are in line with the latest ICAO SARPs and PANS.

To that end, EPAS Volume II provides for a specific type of RMT, called 'regular update' rulemaking task. Those regular update RMTs serve to collect such issues of miscellaneous nature and process them on a 'need to have basis'. They are of a standing nature, compared to other RMTs, which are one-off, issue specific projects. Where confirmed by the initial assessment of the issue / candidate the regular update needs will be addressed by initiating a new cycle. Planning milestones will be determined specifically for each cycle with a view to the resources available (SPD) and, where relevant, the applicability dates of corresponding SARPs/PANS amendments. A regular update RMT is available for every EU Regulation (and its Acceptable Means of Compliance (AMCs) and Guidance Material (GM)), as well as every Certification Specification (CS) or Detailed Specification (DS).

Complex and controversial issues cannot be processed via a regular update RMT.

All regular update RMTs with an active cycle are described in the EPAS Volume II and a list of inactive regular update RMTs is provided in the Appendix C to Volume II.

Annex II - Better Regulation

As an EU Agency, EASA applies the EC Better Regulation Agenda[12]. This agenda aims at delivering tangible benefits for European citizens and addressing the common challenges Europe faces. Thus, Better Regulation principles are also applied in the development of EPAS.

Applying Better Regulation principles means for EASA that efforts must aim at:

— evidence-based policy decisions (through safety data analysis, impact assessment, monitoring and evaluation),

— transparent and streamlined decision making processes that ensures stakeholder involvement commensurate with the issues at stake,

— specifically for RMTs: a regulatory approach that:

  — is performance-based[13] where appropriate,

  — respects the principles of subsidiarity and proportionality,

  — contributes to the competitiveness of the industry, without compromising safety,

— plain and easily understandable language also for non-native English speakers in all EASA documents; and

— communication and IT platforms that give stakeholders easy access to policy decisions, the EPAS, and the outcome of mitigation actions (regulatory material, safety promotion material, and research deliverables).

In line with the Better Regulation principles EASA strives to ensure that the actions proposed to mitigate a safety risk or to address other issues, as well as the regulatory proposals and the outcome of other EPAS actions themselves deliver maximum safety, economic, social and environmental benefits at minimum cost to citizens, businesses and workers, without creating unnecessary regulatory burden for Member States, the industry and EASA itself.

To that end, EASA systematically assesses all safety risks and other issues affecting the EU civil aviation safety system, identifies how to best mitigate risks or otherwise address issues, and prioritises the necessary actions. This is done through a transparent process and based on evidence, considering the views of entities, organisations and authorities affected as described in the core part of this paper.

Furthermore, Better Regulation principles are continued to be applied to the implementation of the EPAS actions, first and foremost when regulatory action is taken in a RMT. It also entails that the effectiveness of actions taken, in particular regulatory changes, are being monitored and evaluated, and where necessary the need for new or additional actions is assessed.

Throughout the whole process, from issue identification and assessment, via identification of the best intervention action, planning and programming of EPAS, the implementation of rulemaking and other actions, up to the monitoring and evaluation of the actions taken, the views of affected and interested stakeholders

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[12] https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en

[13] for more details of the Agency's PBR policy refer to Annex IV.

are of utmost importance. In line with the principles of Better Regulation, EASA therefore engages with and involves its stakeholders via different channels and for different purposes, such as:

o   ABs, affected and interested stakeholders, and the public to inform EASA about issues that may need to be assessed,

o   Stakeholders as required to provide input relevant for studies or impact assessments,

o   EASA Advisory Bodies (ABs), Collaborative Analysis Groups (CAGs), and European Network of Analysts (NoAs) to identify and assess safety risk and other issues,

o   EASA AB consultation on draft Best Intervention Strategies and draft EPAS,

o   Experts, affected or interested parties can be engaged in the development of regulatory proposals,

o   Public or focussed consultation of a group of EASA ABs or other affected and interested stakeholders on draft regulatory proposals, and

o   Relevant stakeholders in the context of evaluations.

Annex III - Evaluation

In line with the Better Regulation principles EASA may assess the performance of selected Regulations and non-rulemaking actions through an evaluation, normally taking the form of a formal EPAS Evaluation Task (EVT). In broad terms EVTs are intended to assess if the EU aviation regulations and related initiatives (e.g. Safety Promotion Tasks (SPTs), Implementation Support Tasks (ISTs) are delivering the expected results, whether the existing regulatory framework is fit for purpose and whether/in which areas improvements are needed. An EVT will draw conclusions on whether EU aviation regulations and related initiatives continue to be justified or should be modified to improve their effectiveness and/or eliminate excessive burden.

The need for an EVT may be prompted by a legal obligation to undertake such evaluation of the rules. EASA may also decide to perform an EVT where there is significant stakeholder feedback on the controversy, complexity of the regulatory framework, on related safety risks and/or regulatory inefficiencies. Other sources analysed to identify the need for an EVT are the 'Flexibility provisions' (Basic Regulation Article 71), requests for alternative means of compliance (AltMoC), Advisory Body feedback on regulatory gaps/inefficiencies, as well as recurrent findings from EASA Standardisation.

To ensure that the evaluation will be supported by sufficient evidence the rules/non-rulemaking actions to be evaluated should have reached a sufficient level of implementation (for example: 5 years elapsed after the adoption of the rules/non-rulemaking actions).

Where the need for an evaluation is confirmed and required resources are secured the corresponding EVTs will be included in the EPAS Volume II. Following completion, the evaluation report will be published on the EASA website[14].

The outcome of the EVT includes a list of recommendations that are then further analysed, which may lead to new EPAS actions, e.g. RMTs. Proposals for new EPAS actions stemming from an EVT will be processed in accordance with the general process steps described in chapter 3.

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[14] https://www.easa.europa.eu/document-library/general-publications?publication_type%5B%5D=2481

Annex IV - Performance Based Regulations

Modern, proportionate rules that are fit for purpose are essential in aviation safety to uphold high common standards and ensure the competitiveness of the European industry. An important element of this is Performance Based Regulation (PBR).

According to Article 4 (1)(e) of the EASA Basic Regulation (EU 1139/2018), EASA shall *'lay down, where possible, requirements and procedures in a manner which is performance-based and focuses on objectives to be achieved, while allowing different means of achieving compliance with those performance-based objectives'*.

A performance-based approach is intended to make aviation safer, more efficient, and flexible. It prescribes safety and/or performance objectives and targets instead of prescribing how to achieve them.

In its rulemaking activities EASA considers in all cases whether a performance based approach is possible, i.e. whether a requirement can be set objective- or performance based, or rather prescriptive. There is no one-fits-all approach, and sometimes a combination of different approaches, or alternative approaches depending on the circumstances, are possible. In all cases, EASA needs to ensure that legal certainty is provided.