

Question RM	Answer
<p>EASA Decision 2004/4/RM (7<sup>th</sup> April 2004) (Approval Numbering System)</p> <p>It is suggested to have a discussion on this recent EASA decision to change the approval numbering system in line with the EU inter-institutional style guide.</p> <p>The AEA is seriously concerned about this recent EASA decision due to its major bureaucratic impact on the industry (in particular if there is no lengthy transition period) whereas there would be no added safety value.</p>	<p>The issue was discussed with AGNA and also with AECMA representative at their request. It is not considered to be a rulemaking action, as it is only the co-ordination of national administrative rules for the implementation of EU law. This view is supported by NAAs. It has not been therefore subjected to the rulemaking process.</p> <p>The decision is based on the principle that all approved organisations already have the obligation to update their documentation, including the authorised release certificate and exposition in accordance with the EASA rules. This applies not later than one year after the entry into force of the applicable regulation (28 September 2004 for Regulation 1702/2003 and 29 November 2004 for Regulation 2042/2003). This provides for an opportunity to also implement the new EASA approval reference number.</p> <p>We have asked NAA's to inform the approved organisations, as soon as possible in order to allow the industry enough time to implement it, either by reissuing the approval, or by establishing a cross-reference list, what the new number is or will be. The cross-reference list will also contribute to improve traceability during and after the transition. After consulting industry we have also recommended NAAs to use the same third designator as was used in the old reference number, which would further facilitate the future traceability.</p>
<p>Status of the EASA Operations and Licensing Essential Requirements</p> <p>The AEA requests an update on the status of the EASA Operations and Licensing Essential Requirements. An EASA Notice of Proposed Amendment (NPA) was expected for early April, but has not yet been released to our knowledge.</p>	<p>The proposed Essential Requirements for operations and pilot proficiency were published for comment on both the EASA and JAA websites. They are accompanied by more general questions on the type of implementing regulations and the type of oversight desired by stakeholders. Comments are expected by 31<sup>st</sup> July. The Agency will then issue a CRD and adopt its final opinion to the Commission.</p>

<p>EASA position on planned rulemaking on Long Range Operations (LROPS)</p> <p>The AEA is strongly opposed to the Long Range Operations (LROPS e.g. ETOPS on three and four engined aircraft) rulemaking projects from FAA and JAA, for which a regulatory impact assessment (RIA) is lacking and which could for example have very costly impact on flights of AEA members over Siberia (in winter time)</p> <p>While with twin engine extended range operations, the risk that the regulation was designed to mitigate was very clear (independent failure of both engines in flight), this is not the case for three and four engined aircraft. Similarly while the original ETOPS regulation provided a means to circumvent in defined circumstances, the then existing rules concerning the operation of two engine aircraft, there is no such current limitation for the operation of three and four engined aircraft. The proposed regulation is therefore unique in being applied in the absence of either need or safety target.</p> <p>In response to AEA concerns, JAA is working on an RIA. The AEA request an update on the EASA position on this subject.</p>	<p>There is no EASA position yet as the issue is in the rulemaking programme for 2004 and the Agency may not take position as long as the rulemaking process is not finalised. We agreed to develop a RIA in co-operation with JAA to support any final decision, which will have to be taken in co-ordination with Member States and the JAA, as operational issues are not yet in the scope of the Agency's tasks..</p>
<p>EASA position on planned FAA rule on Flammability Reduction Systems (FRS)</p> <p>The AEA seriously questions the Cost/Safety Benefit of a retroactive rule for Flammability Reduction Systems (FRS): the AEA is extremely concerned about the huge cost impact to the airline industry, whereas the effectiveness of FRS has not been proven. Due to the need to transfer aircraft between registers,</p>	<p>There is no EASA position yet as the issue is in the advance rulemaking planning for 2005-2007 and the Agency may not take position as long as the rulemaking process is not finalised. We agreed that a group should develop a RIA to determine whether retrospective action is justified. Harmonisation is one of our common objectives with the FAA, but not a binding obligation.</p>

<p>JAA/EASA/FAA should work towards common airworthiness standards. As a consequence, the FAA is requested to harmonize its position with EASA/JAA.</p> <p>JAA is not convinced that retrofit would be justified. What is the EASA position on this issue?</p>	
Update on Part-M and possible improvements to the current regulation in response to industry concerns	A regulatory impact assessment process has started. The Agency shall be sending an opinion to the Commission in due time to meet the target date of 28 <sup>th</sup> March 2005, as enshrined in Regulation 2042/2003.
Are EASA planning to regulate the <u>sources supplying Material, Parts and Components</u> to Maintenance providers and operators?	EASA plans to start work on this sensitive subject in 2005, as this appears in the advance rulemaking planning for 2005/2007. One question may well be at the time whether the Basic Regulation provides for a sufficient legal basis to regulate this activity.
<p>Status of EASA List of Approved Part 145 and Part 147 Organisations</p> <p>When will EASA issue a list of approved maintenance organizations per Part 145. The list usually issued by the JAA for JAR 145 approved organizations has been discontinued, which makes it more difficult for industry to choose subcontracted approved vendors.</p> <p>The same question for approved training organizations per Part 147.</p>	It was decided at the last AGNA meeting to establish a common database covering all organization approvals. A group has been set up with EASA, JAA and national experts to define the conditions for such establishment, including technical, legal and financial aspects. Results are expected in the fall. The actual creation of the necessary system will take some time. In between, it has been agreed that the JAA shall maintain its databases with the help of the Agency, if necessary.
<p>Design Organization Approvals</p> <p>Does EASA intend to consider replacing the former Subpart JB approval</p>	There is an item in the advance rulemaking planning for 2005-2007 looking at the various aspects of DOA.
<p>Navigation Database Supplier Approval</p> <p>It has been recognized that the Aeronautical Information does not</p>	<p>An NPA is prepared and should be released in the coming weeks.</p> <p>In the NPA which is being developed, the EASA Form One is not part of the</p>

<p>currently have the integrity values required to meet more advanced forms of Area-Navigation Applications (RNAV). The Joint Aviation Authorities (JAA) (ref: JAA Temporary Guidance Leaflet (TGL) Nr 10, para 10.6.2) currently put all the burden on the airlines by requiring them to implement navigation database integrity checks using appropriate software tools or approved manual procedures to verify data relating to waypoints below the applicable minimum obstacle clearance altitude. It is clear that such an approach would not be practical in terms of resources required by the airlines. As a consequence, the JAA and FAA are currently in the course of addressing the integrity of aeronautical data process following data publication. It is the intention of JAA and FAA to approve suppliers against the requirements of DO-200A and Eurocae ED-76.</p> <p>A Draft JAA Temporary Guidance Material (TGM) on the Production Organisation Approval (POA) of database suppliers has been prepared by the JAA Production Certification Sub-Sectorial Team. The draft TGM declared that a Nav database was to be considered an 'aircraft part' accompanied by a JAA (shortly EASA) form 1.</p> <p>In this respect, the AEA would like to stress that we believe that a Form 1 would be impractical for this purpose, since this would mean raising a mod action every 28 days, and updating the Illustrated parts catalogue. For this reason, the FAA intends to approve audited database supplier with a so-called Letter of Approval (LoA).</p> <p>The JAA CNS/ATM Steering Group, as well as the JAA</p>	<p>procedures to be used by Nav-Database suppliers</p> <p>One significant issue raised in this NPA, is whether the Basic Regulation and Regulation 1702/2003 provide the legal basis for regulating databases suppliers.</p>
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<p>Operations Director, agrees with our position (e.g. Letter of Approval in-stead of Form 1), but a part of the JAA Production Certification Sub-Sectorial Team still seem to advocate the use of a Form 1 for bureaucratic reasons.</p> <p>Since the issue is now in the hands of EASA, we would be grateful if EASA could follow the advise of the JAA CNS/ATM STG e.g.to issue Production Organisation Approvals (POAs) of database providers and FMS manufacturers equivalent to the FAA's letters of Approval (LOA) and not to insist on all the paperwork that accompanies conventional parts. All navigation experts agree that a requirement for a Form 1 would be impractical for no added safety value.</p> <p>How does EASA see this debate moving and can we expect a resolution soon? This issue is believed urgent in response to European plans to implement P-RNAV</p>	
<p><b><u>Rulemaking work programme</u></b> - Has the SSCC been communicated the finally adopted 2004 rulemaking program? Will this be published on the EASA website and when?</p>	<p>The Agency adopted its final rulemaking programme for 2004 on 16 April 2004 and published it in its web site.</p>
<p>When will the ad hoc working groups in charge of rulemaking tasks be established? How and when will interested party organizations be requested to submit proposed nominations for experts to participate in these groups? When will a list of these ad hoc groups be published?</p>	<p>The Agency has started implementing the rulemaking programme. It will consult the SSCC and the AGNA on the related terms of reference and call for proposals for membership in rulemaking groups. It will then decide on their final composition. In many cases, to facilitate transition, terms of reference and composition will reflect those of corresponding existing JAA teams, when they have initiated the task.</p>

<p>Rulemaking – FAA/EASA Harmonization</p> <p>Will EASA take over the previous list defining rulemaking harmonization priorities with the FAA and assign the necessary resources to progress these issues?</p>	<p>It is clearly the intention of the Agency to stick to the harmonization policy of the JAA and to ensure appropriate co-ordination with its main foreign partners. The exact programme of common work will have to be reviewed in the light of the rulemaking programme of the Agency. In the future processes will have to be established to ensure the consistency of the rulemaking activities of the partners involved.</p>
<p>Is the new <u>harmonization process</u> based on a formal team such as the previous HMT? How is EASA going to ensure continuity of HMT/CMT support, pending possible future evolutions and the building up of its resources? Is this covered by contracts with NAAs?</p>	<p>No decision has been taken yet. Discussion on the subject are taking place in the context of the drafting of bilateral agreements with the USA and Canada. It is likely that new co-ordination mechanisms will have to be defined.</p>
<p>What happens with the <u>former Harmonization WGs</u> which were reporting to both the JAA SG on EU side and to ARAC on US side?</p>	<p>This is also to be discussed and agreed, taking into account the need to avoid duplication of tasks, at least at preparatory stage.</p>
<p>Is there a next meeting scheduled between FAA/EASA and other NAAs? What date?</p>	<p>Discussions are going on. A meetings is planned for June (now postponed to July). In parallel, as agreed in October last year, assessment are being made to facilitate confidence building and prepare for an early implementation of the agreement when it is ready for signature.</p>
<p>Bilateral Agreements</p> <p>Can the Agency or European Commission provide a status report on the <u>progress of EU-US negotiations for a future BASA agreement</u>, together with relevant scheduled future steps and timescales?</p> <p>Can the Agency or the European Commission provide details on provisions of agreements reached (or soon to be reached) with other foreign countries (Australia, Brazil, Canada,...)?</p>	<p>Previous discussions initiated two years ago have helped providing for a seamless transition using existing bilateral agreements. In accordance with the Treaty, the Community remains bound by pre-existing agreements and shall implement them. At the same time negotiations have started to build a confidence building process that would allow the conclusion of an agreement with as wide as possible a scope. Good progress is being made and a draft agreement can be envisaged by the end of the year. Since however its signature requires an assessment of the EASA itself, taking into account delays in its establishment, it is not expected that it can be concluded before one year from now.</p> <p>In parallel negotiation are taking place with Canada to conclude also an</p>

	<p>agreement on the reciprocal acceptance of certification findings. The draft is nearly ready and will probably be discussed with Member States in the fall with the view to sign it at the end of the year. Meanwhile the Agency has concluded a working arrangement with TCCA to facilitate the reciprocal acceptance of certification findings for products and maintenance organizations.</p> <p>The same process is being followed with Brazil. A working arrangement has been concluded with CTA Brazil. We wil propose them thereafter the same kind of agreement than the one being discussed with Canada.</p>
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