

## **European Aviation Safety Agency**

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### **SAFETY STANDARDS CONSULTATIVE COMMITTEE**

01.12.2005 – MINUTES OF 3<sup>RD</sup> MEETING 2005

#### **Opening and round table**

The Chair Fons Schaefer welcomed the participants and recalled the Committee's remit and mission

He outlined that in the SSCC RoP there are four possible types of participants. To keep this manageable and assure continuity, he encouraged members' participation in the SSCC meeting. This was followed by a round table presentation of the participants.

#### **Approval of the Agenda**

The agenda was approved as presented.

#### **Adoption of minutes of the previous meeting and actions arising – WP 00**

The previous minutes of the meeting were approved. The action table was reviewed and a number of action items were closed (see the associated action table) and opened.

##### **Action required:**

1. The Design & Manufacturing subcommittee to prepare a policy paper on "industry and norms"
2. The Agency to present a draft procedure for the determination of group membership
3. The Agency to circulate the terms of reference of the PMA study

#### **1. Report from the subcommittee chairpersons**

The Chair gave the floor to the subcommittee Chairs to present their meeting conclusions:

##### *Design and Manufacturing*

The SSCC was presented with the subcommittee's views on the 2006 rulemaking programme priorities (reports of the subcommittees' meetings are available separately).

He informed the participants on the election of the Vice Chair, Mr. Bob Wilson.

With regards to the Inventory, the subcommittee expressed its satisfaction that it goes beyond the JAA legacy tasks and the inclusion of tasks of more relevance for today's needs of the industry. However, the subcommittee requested more time to properly assess the tasks scope and the priorities to be allocated. The document will be reviewed and input given by end of March. The subcommittee is considering meeting then to do so.

The subcommittee advised the Agency to develop a mechanism for the involvement of its members in the drafting of call for tenders' terms of reference.

The Agency took note of the subcommittee's request to work on design organisations that do not qualify for a DOA (former subpart JB of JAR 21). This could be through the extension of task 21.024 or the inclusion of a dedicated task in the inventory. Today's activity is the sending out of a questionnaire on new concepts in delegation in design approval. The Agency agreed considering the organisation of workshop to present the results of the survey. This is not seen as a rulemaking activity.

The Agency noted the subcommittee's advice to progress health & safety issues only when facts justify so and not under public perception pressure. To support the Agency's work, the subcommittee offered expertise in carrying out dedicated research/studies. One member didn't see the need for additional research because a number of detailed studies already exist. As example, reference was made to the "cabin air" and "seat pitch" studies. The subcommittee Chair agreed to collect the different studies and perform some analysis to support the Committee in its decision.

#### *Engineering and Maintenance*

The subcommittee Chair acknowledged improvements in the timely distribution of papers but advised avoiding the publication of several versions because it provokes confusion. The Agency noted his concerns.

He informed the participants on the election of the Vice Chair, Mr. Liam Sisk.

In general, the subcommittee was satisfied with the rate of implementation of its 2005 top five tasks. In relation to task 145.006, it recommended pushing back the task to 2009. The Agency noted the point and responded that this was a delicate issue that needed proper consideration. One member was not in favour of such a task and explained that the current European rules do not allow non-certified staff to carry out work in Europe. He therefore saw no reason for allowing this to happen outside of Europe, particularly if there is no reciprocity at a worldwide level. The Committee concurred with the proposed task planning.

**145.003 (Human factors):** A member suggested postponing this task pending Part 145 subcontractors reach the same standards (i.e. work in accordance with the approved data, the latest legislation and company procedures) so as to maintain the safety level. The Chair considered that with the introduction of Human Factors aspects into maintenance this issue is partially addressed and this would allow the present task to remain as scheduled.

**145.012 (multiple release):** A member considered that the issue is mainly related to line maintenance instead of base maintenance. The Chair considered that the task is progressing and proposed keeping the Agency timeframe.

**147.003 (independence on assessors and examiners):** The Agency noted a member's request to advance this task as it is linked to other tasks and could affect their progress.

**66.011 (Type training):** Replying to a member's inquiry on the way rulemaking groups' membership is determined, the subcommittee Chair explained that the Agency had to find the right balance between the necessary expertise and keeping the group small and manageable. The Agency explained also that it concurred with the need for licensed engineers' participation in the four associated tasks (66.004, 66.008, 66.011 and 145.012) and had invited explicitly this community to nominate experts. Such nomination was received only for task 66.008. The groups have now

commenced work and requests for additional experts will be dealt with in accordance with the relevant procedures.

#### *Operations & Licensing*

The subcommittee's new Chair, Mr. Hans-Ulrich Raulf, informed the Committee about the election of the vice Chair, Mr. Rudi Schuegraf. The Committee concurred with the subcommittee's proposal to change the name to "Flight Standards".

The subcommittee outlined its 2006 rulemaking programme priorities.

With regard to the Inventory, the Agency noted the divergence of opinion between this subcommittee and Design and Manufacturing one about task 21.039.

The subcommittee informed SSCC that an additional meeting might be held in March to consider the prioritisation of the inventory tasks.

#### **MDM.004 (Implementation of COra in all organisation approval requirements):**

The Subcommittee considered that this work can impact future OPS/FCL tasks and asked for participation of these communities. The Agency agreed to consider the establishment of a review group to disposition the comments received with additional expertise from OPS/FCL.

*Secretary post-meeting note: the action point was omitted from the draft minutes and included in the final minutes.*

#### **MDM.031(Commercial air transportation by single engine aircraft in IMC):**

Responding to the subcommittee Chair's comment on the lack of progress, the Agency reported on the expected timing for the adoption and entering into force of the EU OPS package, notably in 2006 and 2007. One subcommittee member expressed concerns on further delaying this task because it would make Europe non-compliant with ICAO amendment 29 to Annex 6. The Agency informed the Committee that there seems to be strong differences of views amongst NAAs about "single engine IMC commercial operations". Some are fiercely opposed, while others are ready to comply with the ICAO standards. Following the explanations given by the Agency, the Committee accepted the envisaged timing.

In this context, it was noted that the legislator is most likely to adopt the extended EASA Regulation in 2007. As a consequence, the Agency will intensify work to deliver the related NPAs for Implementing Rules in 2007.

The Agency went on explaining that a series of meetings will be held with JAA to address specific issues related to the transfer of CJAA tasks from 1 January 2007 onwards. The Agency will provide a report to the Committee and request its advice on the prioritisation of the JAA program.

The Committee noted the Agency 's planning and work approach for the development of the preliminary RIAs for the tasks to be initiated in 2007; and advised to provide papers in a timely manner so as to avoid they all are sent at once by mid-March.

With regard to the CS-25 tasks, one member asked about the status of previous JAA items that are not part of the Inventory like "Airworthiness aeroplane cabin manual" issues. The Agency invited the members to submit papers justifying the inclusion of previous JAA tasks in the Inventory.

In a different domain, the Agency was requested to clarify the situation about the two different occurrence reporting systems and the chain of the information flow. Today,

there are reporting obligations for the European operators under the respective Parts and under EU Directive 2003/42/CE on mandatory occurrence reporting. In addition one member pointed out that there is also a confidentiality issue that shall be taken care of when handling such information. The Agency responded that its opinion on the extension of its scope to OPS/FCL includes a provision on the confidentiality issue. To achieve a common understanding and address the issue until the adoption of the extended EASA Regulation, the Agency agreed envisaging a new MDM task on reporting issues.

**Action required:**

4. The Agency to provide a list of envisaged studies and to consider making use of industry expertise in the drafting of their terms of reference
5. The Agency to send out a questionnaire on new concepts in delegation in design approval and to consider adding a task in the rulemaking inventory in light of the responses received. .
6. The Design & Manufacturing subcommittee to collect, and perform analysis of, the available health & safety study recommendations; and provide its report to the Committee.
7. The Agency to report on the transfer of CJAA
8. SSCC members to provide advice on the prioritisation of the JAA program.
9. The Agency to provide the preliminary RIA for the tasks to be initiated in 2007 rulemaking programme in a timely manner.
10. The Agency to consider the establishment of a review group to disposition the comments received on task MDM.004 with additional expertise from OPS/FCL.
11. The Committee to justify the inclusion of previous JAA tasks in the Inventory.
12. The Agency to consider a new MDM task on reporting obligations under the respective Parts.

## **2. 2005 rulemaking programme**

### *State of implementation of the 2005 rulemaking programme – IP 01*

The Agency explained that the programme implementation would attain about 50% at the end of this year, short of the envisaged 75% target. Most of the tasks are now due for completion in the first quarter of 2006. The delays can be attributed to resource constraints, a too ambitious programme and the overly heavy rulemaking procedures. On this basis, the Agency has concluded that there is a need to be modest in the programming phase since the number of tasks that can be managed in parallel is lower than initially estimated. Therefore the numbers of tasks to be handled in parallel in 2006 had to be reduced to reflect the Agency's real capabilities. The Subcommittee Chairs acknowledged that there was a need for better prioritisation of tasks and agreed to take the resources constraints into account when preparing their opinions on the 2007 rulemaking programme and advance planning.

### *State of play of active rulemaking groups – IP 02*

The information paper was noted

## **3. 2006 rulemaking programme**

*State of play of the 2006 rulemaking programme, including proposals for addition, postponement or deletion of tasks – W01 and attachment 1 and 2:*

The Agency outlined the methodology for the development of WP 01 and referred to the two attachments for the justifications on the new, postponed or deleted tasks. However given the subcommittees Chair presentations under point 1, the said papers were not debated in the Committee.

For a more substantive debate among the Committee members and to provide the necessary guidance to the Agency, the Committee agreed that in future meetings the subcommittee Chairs deliver their report as appropriate during the discussion of each point of the agenda.

Key points arising from the debate on the individual tasks are as follows:

**BR.XXX (essential requirements for environment and related issues):**

Responding to a member inquiry about the task scope, the Agency clarified that the primary purpose of the task is to increase clarity of the EASA Regulation by the development of a dedicated set of Essential Requirements on Environmental protection for the different aircraft categories. The Committee concurred with the Agency's work approach and requested to distribute the related ToR for SSCC opinion.

**21.023 (permit to fly/ restricted C of A):** The Agency introduced the paper WP 01 – attachment 1. One member recommended splitting up the task into two, one on “permit to fly” and one on “orphan aircraft” as the issues to be handled are of different nature. With regard to the latest issue, another member suggested extending the group composition to the general aviation community since they are the most affected sector. The Agency reiterated the task scope aiming to clarify the meaning of all non-standard CofA and to address the orphan aircraft issues. For orphan aircraft a short term policy based on the existing rules is already defined and implementation by Certification Directorate is in progress. However for the longer term a better legal structure is required. As a final note, the Agency stated that when the TC holder disappears there is no obligation in the rules to find a successor and this would mean that the taxpayer should bear the cost for the continuing airworthiness of the orphan aircraft. Due the urgency of this task, the Committee agreed with the Agency's suggestion to initiate the task as it is and to consider splitting it up after review of the comments received to the NPA.

**Possible amendment of Form 45:** The Agency explained its initial intentions in progressing rulemaking work in this field. The comments to NPA 15/2005 indicated major objections from some stakeholders to apply only one of the ICAO options. Leaving however Member States opt for any of the three different solutions recognised by ICAO would affect uniformity in Europe and allow discrimination among operators. Following these explanations, the Committee concurred with the Agency approach to continue the rulemaking activity on the said NPA and to issue an A-NPA to solicit comments from interested parties on a possible revision of Part 21.

**CS for Balloons:** The Chair explained that the intent of the EASA Advisory Board's letter on balloons was to assign a higher priority to the development of Certification Specifications of Balloons. The Agency outlined its intentions to split the previous task 30&31.001 into six new ones and to progress in 2006 only the task on hot air balloons. The other tasks would be progressed based on priorities as determined by

the pre-RIA's that will be developed. The Committee concurred and invited the Chair to provide a response to the EASA Advisory Board.

As a final note, one member requested the Agency to properly assess the impact of the inclusion of operational aspects into the Type Certificate and referred to the Design & Manufacturing presentation for further guidance.

On the basis of the Committee and its subcommittee contribution, the Agency will produce a comment response paper encompassing the comments and Agency responses. It will also adopt a revised 2006 rulemaking programme and publish it on the Agency's website before the end of December.

**Action required:**

13. The Agency to produce a comment response document encompassing the comments and its responses.
14. The Agency to circulate the Terms of Reference on task BR.XXX relative to essential requirements for environmental protection.
15. The Committee to provide a response to the EASA Advisory Board's letter on balloons

#### **4. Rulemaking Inventory**

*Discussion of the rulemaking Inventory, including the timetable for comments, the addition or deletion of tasks and the preparation of the 2007 rulemaking programme – WP02*

The Agency explained the purpose of the inventory and the timeframe for the adoption of the 2007 rulemaking programme. SSCC was invited to submit their comments on tasks to be initiated and/or completed in 2007 by the end of March. To support SSCC's work, the Agency offered to publish preliminary RIA for tasks initiated in 2007 as soon as available and in any case before mid-March. On the basis of the inputs received, the Agency will publish the draft 2007 Rulemaking Programme and the 2008/2010 Advance Planning by the end of April. To preserve harmonisation and enlarge consensus, the Agency suggest discussing these documents with FAA and stakeholders at the next International Aviation Safety conference in June.

As referred to in previous agenda points, the Committee will further review the Inventory and provide his comments by the end of March/beginning of April.

*Presentation and debate on Agency's paper WP03*

The Agency explained the rationale underpinning the development of paper WP 03 and briefly presented the envisaged structure of the whole set of aviation safety rules. Such a work is normally done retroactively but it seemed more appropriate to anticipate the transition from national to EU rules so as to provide all stakeholders with a global view of the work to be performed and the best way to organise it. It was recognised that such an exercise is complex and at the edge of codification. The document goes further by suggesting setting up three rulemaking groups to prepare implementing rules for the first extension of the EASA system. The terms of reference for one of them, MDM.032, have already been circulated for comments and nomination of experts.

The Agency emphasised that it does not intend to re-open the debate on the adopted EU OPS/FCL but to carry out work to close the present loopholes. In this respect, the three groups shall prepare draft NPAs for Implementing Rules so that they can be launched immediately after the adoption of the extended EASA Regulation. At a member's request, the Agency clarified the intent and scope of the task MDM.032.

Some members supported the Agency approach but expressed concerns because of possible problems during the transition period from the adoption of EU OPS to the Agency Implementing Rules. The Engineering & Maintenance members concurred with that view. To alleviate industry concerns, it was proposed to accompany the template by a statement that any previously approved rules should be transferred into the new system without substantive changes. The Agency indicated that such was indeed its intention as it did not want to re-invent the wheel; this was also the way former JARs were transposed into the current implementing rules. It was also clear in the Commission legislative proposal that EU OPS would be the basis for the future implementing rules for commercial operations of aeroplanes.

A member stated that it would be difficult for the industry to apply the new template considering the administration involved in adapting all existing documentation. He would only support a new matrix, when there is a real benefit for the sector he is representing. The Agency insisted that it did not see why the new template would imply any significant changes in operators documentation, as it tried to keep the same terminology to avoid such consequences.

A member supported the envisaged template and was particularly encouraged to see a section fully dedicated to personnel qualifications. This was important for cabin crew considering their role in emergency situations and because they are subject to commercial pressure.

As a final note, the Chair reminded that the FAA initiated a similar exercise back in 1960 without any apparent result. However he would be in favour of such a structure if it were robust enough and can go along for the next 50 years.

The Agency invited members to provide detailed comments in writing prior to the next meeting.

**Action required:**

16. The members to provide comments in writing on the GERT paper prior to SSCC next meeting.

## **5. Policy discussions**

*Priority to be given to issues closely related but not in the EASA remit such as security and passenger health – WP04*

The Agency recalled the intent of the paper is to get feedback on priorities for rulemaking work.

The Design & Manufacturing Chair reiterated the conclusions of its meeting as referred in point 1 and stated that security issues merit further attention because they affect aircraft airworthiness and are closely followed up by public. In this context, the Agency was invited to develop requirements for the installation of manpads.

As regards health issues, the Committee recommended to progress rulemaking work only when it is preceded by detailed studies concluding on the need for such

rulemaking activity. The Agency pointed out that except for a recital of the EASA Regulation, there is no clear legal basis to address such issues, except when they can clearly derive from an essential requirement in Annex 1 of this regulation.

Altogether the conclusion of the working paper were endorsed.

#### *Revision of rulemaking process for producing Guidance Material – WP05*

The Agency recalled the purpose of this paper, which is to streamline the Rulemaking process so as to improve efficiency and productivity. However the meeting run out of the time and the subcommittees' Chairs agreed to consider the issue at the next opportunity and to provide their views in writing.

#### **Action required:**

17. The Subcommittees' to provide comments in writing on the paper relative to Guidance material prior to SSCC next meeting.

### **6. AOB**

- Planning of future meeting

The Committee proposed to hold a meeting in November to coincide with the industry workshop. Two possible dates were scheduled:

15-16 November 2006

20-22 November 2006

*Post meeting note: The Agency confirms that the next industry workshop has been scheduled for the 14 November 2006 and the Committee/subcommittee will meet on 15-16 November 2006*

- Renewed request for membership by EAMTC

The Chair informed participants about EAMTC new request for membership. The Agency was in favour of specialised training organisations being represented in the Committee because they are affected by rulemaking work on Part 66 and Part 147. The Committee supported inviting EAMTC to nominate an SSCC member.

#### **Action required:**

18. The Agency will invite EAMTC to nominate a possible member of the SSCC.

- Various

The Chair informed the participants on his wish to have Mr. Jim Gibbons as observer in the Committee meetings to assist him; this was accepted.

The Committee agreed that the continuity principle overweighs the 25% criterion in the subcommittee attendance.

### **Date of next meeting**

The next meeting of the Subcommittees and the Committee will be held on Wednesday 21<sup>st</sup> June and Thursday 22<sup>nd</sup> June 2006 at EASA premises in Cologne.

Secretary post-meeting note: In view of the unavailability of hotel rooms, the SSCC agreed to relocate meeting to Brussels, to be held on 28-29 of June.



## Actions table

Action #	What	Who	When	Status	Comments
2-1-05	Prepare policy paper on “industry & norms”	Agency	Next meeting	C	The Agency expressed its willingness integrating in the rulemaking process the Community policy new approach “on technical harmonisation and standardisation”. In practise, this would mean that the industry ensures the development of certain standards in an open and transparent manner. When the draft standard is finalised it could be transferred to the Agency to follow the usual rulemaking process. If this concept works, the Agency was willing to formalise the process through a policy paper. It continued briefing members on its discussions with industry who believed that it’s premature to adopt such and approach at this stage and concluded that a more pragmatic would be appropriate. Whilst some members saw the benefits of such an approach, they would be cautious for the time being applying it. At one member suggestion to transfer the task to a sub-committee for further development to which the Chair agreed, the D&M subcommittee agreed to further elaborate at the next SSCC meeting.
2-2-05	Report on the publication of PCM contacts on its website.	Agency	Next meeting	O	Ongoing
2-3-05	Circulate a status update on active rulemaking groups.	Agency	Asap	C	The Agency recalled the nomination process for experts. SSCC requested the Agency identifying in the ToR the Agency focal point and to inform the nominated experts on the meeting schedule to enable the planning of their diary. The draft procedure on the membership determination will be presented at the next meeting
2-4-05	Extend the publication consultation period of NPA 7/2005 after AGNA consultation.	Agency	Asap	C	The Agency extended the public consultation until 24/11/2005
2-5-05	Oganise a workshop on NPA 7/2005.	Agency	Asap	C	A workshop was organised by the Agency and Europe Air Sport on 4-5 November 2005-12-15
2-6-05	Comment on the transposition of Nat. Specifications into ETSO’s.	SSCC	Asap	C	No input was received on the list of Nat. TSO and the action was closed
2-7-05	Transpose short listed National specifications into ETSO.	Agency	2005	C	Work has been delayed because of contractual issues with EUROCAE
2-8-05	Include a new task on unlimited durations in 2005 rulemaking programme and publish a NPA recommending extension of the	Agency	Asap	C	The amended 2005 rulemaking programme was published on 22 July and the opinion 05/2005 published and sent to the Commission.

	transition period.				
2-9-05	Publish new NPA and apply an accelerated procedure for task 66.003.	Agency	Asap	C	The associated NPA 13/2005 and CRD 01/2005 were published on 8 August
2-10-05	Review the 2006 rulemaking programme taking into account the Committees' remarks.	Agency	Asap	C	The CRD was published on 22 July
2-11-05	Adjust the 2007-2009 advance planning in view of the subcommittees' comments.	Agency	Asap	C	The CRD was published on CIRCA on 9 August and inputs have been introduced in the inventory
2-12-05	Investigate whether rulemaking on a European PMA system has to be undertaken in view of the comments received. If so, it will co-ordinate with the US FAA.	Agency		C	The Agency awaits the recommendations of the external study on PMA before considering a rulemaking activity. The Agency noted SSCC request to circulate the study ToR and to report at the next meeting.
2-13-05	Refine its position paper on a simplified rulemaking process for guidance material on the basis of the Committee's comments.	Agency	Next meeting	C	The Agency responded in the form of WP 04
2-14-05	Invite steering committee for a kick-off meeting in September.	Agency	Asap	C	The kick-off meeting was held on 11 October.
2-15-05	Suggest topics for central workshop.	SSCC	Asap	C	No input was received from SSCC
3-1-2005	Prepare policy paper on "industry & norms"	D&M Chair	Next meeting	O	
3-2-2005	Present a draft procedure on the determination of rulemaking group membership	Agency	Next meeting	O	
3-3-2005	Circulate Terms of Reference of the PMA study to SSCC members	Agency	Asap	O	
3-4-2005	Provide a list of envisaged studies and to consider making use of industry expertise in the drafting of their terms of reference	Agency	Asap	O	
3-5-2005	The Agency to send out a questionnaire on new concepts in delegation in design approval and to consider adding a task in the rulemaking inventory in light of the responses received.	Agency		O	
3-6-2005	Collect and perform analysis of the available health & safety studies recommendations and provide its report to the Committee.	D&M Chair		O	
3-7-2005	Report on the transfer of CJAA.	Agency	Next meeting	O	
3-8-2005	SSCC members to provide advice on the prioritisation of the JAA program.	SSCC	Next meeting		
3-9-2005	Provide the preliminary RIA for the tasks to be initiated in 2007 rulemaking programme	Agency	Beginning February	O	
3-10-2005	The Agency to consider the establishment of a review group to disposition the comments received on task MDM.004 with additional expertise from OPS/FCL.	Agency		O	
3-11-2005	Justify the inclusion of previous JAA	SSCC	Next	O	

	tasks in the Inventory.		meeting		
3-12-2005	Consider the inclusion of a MDM task on reporting obligations under the respective Parts.	Agency	Next meeting	O	
3-13-2005	Produce a CRD on the Inventory encompassing subcommittees' comments and Agency responses	Agency	Next meeting	O	
3-14-2005	Circulate the ToR on task task BR.XXX relative to essential requirements for environmental protection.	Agency	Asap	O	
3-15-2005	Respond to EASA Advisory Board's letter on Balloons	Chair	Asap	O	
3-16-2005	Members to provide comments in writing on GERT paper	SSCC Subcom mittees'	Next meeting	O	
3-17-2005	Provide comments in writing on Guidance material paper	SSCC	Next meeting	O	
3-18-2005	Invite EAMTC to nominate possible member of the SSCC	Chair	Asap	O	

#### Legend

O: Open

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

~: Continuous

WP: Working Paper

IP: Information Paper

## **List of participants**

### **Members**

Martin AMBROSE  
Pedro Vicente AZUA  
Jean Michel BIDOT  
Patrick DEBUCHY  
Jean-Marc CLUZEAU  
Walter DESROSSIER  
Inger-Helene ENGER  
Wolfgang ENGLER  
Michael ERB  
Peter FEIND  
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Robert MATHER  
Paulo MONTEIRO  
Alexandros PANAGIOTIDIS  
Mark PRIOR  
Hans-Ulrich RAULF  
Fons SCHAEFERS  
Rudolf SCHUEGRAF  
Michel VEDRENNE  
Carlo VERGARI  
Bob WILSON

### **Alternates**

Alan ECCLESTON (alternate David GIBBONS)

### **Observers**

Claude SCHMITT  
Nicolai DOS SANTOS  
Phillipe DE GOUTTES  
Jens HENNIG