



European Aviation Safety Agency

MINUTES OF MEETING

Subject Rulemaking Advisory Group meeting 1-2013

Date 3 July 2013

Location Youth hostel Cologne-Deutz

Organised by Rulemaking

1. Welcome

Presented by: Patrick Goudou, EASA Executive Director and Chair of the group

The Chair welcomed the attendees to the second RAG meeting.

2. Adoption of the agenda

Presented by: Patrick Goudou

The Chair asked if further items were proposed under AOB.

It was asked to add an item on the GA strategy and how NAAs could stay informed on this issue. This was accepted by the Chair.

Furthermore it was proposed, the Agency to update on cabin air quality work, but it was agreed to include it on next meeting's agenda.

Conclusion: The Agenda was adopted by the Group with the proposed addition.

Action 1-1-2013: Agency to include issue on Cabin air on RAG 2-2013 agenda

3. Adoption of the minutes of the meeting

Presented by: Patrick Goudou

The Chair requested agreement of the minutes of last meeting.

Conclusion: The Group adopted the minutes of the RAG meeting 1-2012 as presented.

4. Conflict of interest framework

Presented by: Marcella Miano

Following the presentation, some questions were asked:

-Who will assess the Declarations? The Agency explained that the process was hierarchical – starting from the Project Manager, and in case of uncertainties, up to the Executive Director and the Ethical Committee if needed.

- Will training be provided? The Agency said that e-learning training will be provided.

Conclusion: The RAG will be consulted on the Specific Declaration of Interests form.

Action 1-2-2013: Agency to distribute the Specific Declaration of Interests form to RAG for consultation and the Working Instruction on Determination of Memberships of Rulemaking Groups

5. Highlights Rulemaking activities

- Rulemaking Programme 2013-2016
- Highlights initial and continuing airworthiness
- Highlights FCL & OPS
- TAGs Highlights on ATM/ANS and ADR

Presented by: Athanassios Tziolas, Jean Marc Cluzeau, Jussi Myllärniemi

Presentations on each of the above domains were given.

There were no comments for the presentation on the RMP 2013-16

Main points for which Agency/Commission gave further explanations:

Initial airworthiness:

RPAS: the Chair explained that this was not a high priority activity for the Agency given the future financial / personal resource cuts in 2014 due to the Agency being reclassified into the status of "cruising speed". The task will not be started immediately.

Continuing airworthiness:

Task 145.017 "Control of suppliers for components, parts and appliances": how to avoid 'death by audit'? It was necessary to clarify responsibilities and reduce burden of being

audited every time and by many. The Agency responded that it was the objective of the task. The Chair also recognised the importance of the question and indicated the Agency wish for just one 'combined' audit by foreign authorities with which the EU has Bilateral agreement.

FCL & OPS:

The Chair reminded the RAG of the many Workshops held in past years, which were meant to support NAAs. These events could be reduced in the future due to budget/staff cuts, furthermore the Agency would need to concentrate on its priority to help the EC to draft legislation.

Following a question on the new **Licensing Annex for BASA**, it was clarified that the Annex would be limited to the PPL license and the goal was to have an agreement in April 2014. The rest of the licenses would follow later. The other two annexes: ATOs and FSTDs, would follow when resources permit.

Another question addressed the issue of **Pilot Medical Certification (RMT.0584)**, how this is related to the personal data protection requirements, and if this issue was taken into account. The Agency confirmed that it was aware of the issue and that the TAG had discussed how to handle cases of transfer of medical data between authorities within the limits set by the personal data protection requirements.

Lastly, it was inquired if, for the **updates of Part-ARO and -ORO (OPS)**, it was taken into account that this would play a role in horizontal aspects in other tasks. The Agency confirmed this was the case, the horizontal dimension was included in the ToR,

ATM/ANS & ADR

The TAG Chair highlighted the necessity to promote the Total System Approach (TSA) on rule level and mentioned importance of SES 2+ discussion.

In this respect, RAG member urged to apply TSA from a strategic, practical, and financial point of view for the 'oversight' rules. There was a need for Performance Based regulation/oversight. One set of templates, terminology and practices was needed as well as avoiding multiple sets of databases and procedures (especially if findings are raised by the auditors). ICAO Annex 19 could be seen as an area where this policy could be applied.

The RAG Chair fully agreed and urged to take up TSA in rulemaking so as to stop lagging behind ICAO and FAA, due to the postponement of the implementation of this policy.

Conclusions: R directorate will address the issue and come back to it in the November meeting of RAG. The Group is invited to consider the Total System Approach and in this respect develop and offer a set of common strategic principles that would apply to all TAGs to help steer and initiate convergence in their work.

Action 1-3-2013: Agency to address issue on Total System Approach in rulemaking, add as item to agenda of RAG 2-2013.

6. Regulatory Challenges

Presented by: Jules Kneepkens

Following the presentation and clarifications on the purpose of the paper, the RAG was informed of a survey where members could provide feedback on the content and the questions in WP 01 'Regulatory Challenges'.

The RAG appreciated the paper and the opening of discussions, and stressed the need to review rules regularly.

Several concerns were voiced that certain issues were lacking in the paper:

- In today's multinational environment with many (sub-) contractors involved, how to exchange information efficiently, how to set up a common audit system, how will this work in SMS context?
- Did the challenges in the paper cover the 'risk based approach' and the 'performance based regulations'?
- How to use the legal tools available (Art 10 of EASA Regulation and new Part-ARO in

- OPS Regulation) to establish a mechanism of cooperation for effective oversight of entities that are using new business models and operating globally.
- The level of detail of the current (often non-safety related) rules needs to be reduced to cope with the complexity of the environment they deal with. Results in non-flexibility so cannot keep up with constant development. This was not the case 10 years ago. A change of mind-set regarding level of detail is needed, which will take time.
 - Why do we have a Commission and EASA paper on future challenges?
 - Make sure that all Member States are involved and heard.
 - Need to harmonise processes in order to cooperate with other authorities to combine rulemaking efforts.

The Agency replied that efforts were to be undertaken to marry the complexities at the side of the regulated parties (industry systems/organisations) and the regulator side (EASA system: EC, EASA and NAAs). The paper was also to be shared with Industry to get feedback in this respect. The challenges posed by the new business models and the oversight of subcontractors, is a known issue. ICAO functioning should also be looked at, as it functions at MS level, while companies are now more transnational. For the level of detail: on the one hand, legal certainty had priority, but nonetheless it would be best to review the rules with the aim to simplify them. NAAs should instruct their staff participating in Rulemaking groups to draft with simplification in mind. As a basis, implementing rules should have lower levels of details, whereas AMCs and GMs can go deeper in the subject. As for cooperation, there is definite need to avoid double regulation, and to reduce 'validation' when similarities between rules are such that they could just be accepted. The parallel paper from the Commission is complimentary and deals with 'principles', as it is a response to the comments from the last ECAC meeting on 'overregulation', whereas the Agency paper is more concrete on issues. Both papers will be discussed at the 'EASA committee' next week.

Conclusions: The RAG will be consulted on WP 01 via a questionnaire to be launched soon and with deadline 15 October.

Action 1-4-2013: Agency to launch survey to consult RAG on Regulatory Challenges Paper.

7. Horizontal issues *

Presented by: Jean Marc Cluzeau, Hervé Julienne, Kai Bauer, Youri Auroque

- **Horizontal issues and brought from the TAGs to the attention of the RAG for a consensus**

- *Single Engine Aircraft Operation in IMC*

The presentation gave an insight on the status of the task, the safety objectives and the way forward.

RAG member comments were:

- Concept paper doesn't go far enough, and questioned why the Agency has chosen the engine reliability rate without having completed the assessment first?

Agency answered that the proposed reliability rate is based on JAA work.

- Study based on experience gained in low population density countries (AUT, CA and US) which cannot be compared to central Europe. Even ICAO and CA ask an assessment and application of the rule taking into account the real situation. Cannot encourage to adopt rule under these conditions.

Agency agreed that situation in US, CA, AUT cannot be compared with most of Europe. Will look into population density issue as well as to mitigating measures during all flight phases, not only 'cruise'.

* This will be a permanent Agenda Item.

-support task, since competition from other airlines who are allowed to fly in these conditions, but suggest lower reliability rate of 4/MFH since study fatal accident rate 4 times higher than normal CAT rates.

Agency replied that the study had been based on aircraft of the same category, so result would be different if various aircraft categories used.

--A JAA study determined that within CAT there were actually 3 different categories of aircraft / operations, large jets, commuter and business aircraft, with different accident rates, using the accident rate in a specific category has been accepted in the past. .

-Support task if risk mitigation and ETOPS approach followed.

▪ *Regulatory Impact Assessment on Flammability Reduction Means (FRM)*

The Agency explained that the TAG had discussed the paper and was unsure how to proceed, due to concerns at political level.

The following comments were made:

- Welcomes paper. Decision not to regulate would put EU in difficult position. However, the Agency should consider real costs, needs of operators and perhaps wait for more retirement of aircraft?

Agency pointed out that 4 years ago FAA took decision to retrofit. The more EU wait the less retrofit will cost as aircraft retire, but situation will not be easy to justify.

- The 'retrofit' of aircraft will lead to change of Part 26 and will require EC to launch a legislative process, there is the place to decide, this is not the right forum

Agency confirmed but first NPA needed for an Agency opinion. Commission reminded that this task was nothing 'out of the blue'.

- Not tangible for EU to do nothing. Cost figures of retrofit are low compared to cost implications, image and public perception in case accident and legal actions that would follow.

Chair's position was that there was an obligation of the EU to follow other authorities, there was the image of the Agency at stake.

- Agrees with IE / EASA position.

Majority of members states are in favour to this change..

The Chair decided that task would continue.

Conclusion: The NPA on Flammability Reduction Means will be published.

8. Opinion on draft 4-year Rulemaking Programme 2014-2017

Presented by: Athanassios Tziolas

Agency thanked for the feedback received for the draft RMP 2014-17 and informed the RAG that it was analysing the data to provide a final draft by end of July. All comments will be summarised in a response doc (CRD) and presented to advisory bodies end of summer.

Thereafter, the RAG made several comments:

-Following a request to include clearer information on first year commitment, the Agency replied that this was already the case.

-Suggestion to make more visible in the RMP when a driver initiates a specific task.

-Addition in RMP of resources needed for each of the project, to get an idea how big the project is or install a monitoring system to see where we stand with implementation of tasks in RMP. The Agency replied that this is very difficult to foresee, maybe for the first year commitment, but not for the following, where flexibility was needed. The task can stop at Pre-RIA, due to a low score, even at the ToR level. The Agency would provide more details on the implementation of the current programme together with the new draft programme.

- Deletion of redundant/outdated tasks? Agency pointed out that this has already been done based on feedback from authorities and industry. As result, some tasks postponed, some grouped together, some deleted altogether. Welcome any further suggestion for task

'deletion'.

- Following a question on CRM, its limitation to training while lacking in actual operations, the Agency informed that work was ongoing in ICAO group for cabin crew.

Conclusion: The RAG did not have any major objections to the draft rulemaking programme and agreed to have the agency draft a final version.

Action 1-5-2013: Agency to distribute CRD on RMP 2014-17 by September 2013.

9. Feedback on implementation of EASA rules: UK paper IP 01

Presented by: UK RAG member

UK member presented the paper with suggestions for simplification of tasks and asked RAG to confirm whether these were the right sort of options to consider.

Other ideas:

-Priority process for reviewing rules, ex-post evaluation. Agency replied that a safety analysis was linked to each task in rulemaking. The review of certain rules was already taking place with one big package per year (Part M GA and CS-E this year).

-Involvement of high level groups? Agency pointed out that continuation of this forum would need to be decided by the new Executive Director.

Agency informed RAG that it aims to put in place all elements of Deming PDCA cycle in place, and where the last missing piece is the 'ex-post evaluation', which will provide the policy and methodologies for defining areas in need of review. Paper due end of the year and distribution to advisory bodies possible.

Conclusion: N/A

Action 1-6-2013: Agency to share paper on ex-post evaluation with advisory bodies.

10. Implementation of the Review of the Rulemaking Procedure

Presented by: Marcella Miano

The presentation was followed by comments:

How to outsource to industry avoiding possible bias and conflict of interest? Agency explained that there is a difference between professional interests, which industry non-disputably had, and personal interest. It is the latter that mattered for the declaration of interests.

-Where/when do you classify tasks in simple or complex? Agency explained that categorizing tasks does not allow to have a flexible and efficient process. The 'process map' in the pre-RIA, ToR and NPA templates is the tool to adapt the process to the complexity and controversy of the issue at the stake. The more consultation tools the process map includes, the more the task is controversial or complex. Therefore the process map is an indicator of the complexity and controversy of a task.

Furthermore, the Agency reminded that the process map is updated during the lifetime of the task. This updating gives a further indication of the complexity or controversy of a task.

- Why is CRD published at same time with opinion, and sometimes not? Agency replied that this depended on the transition period: for older tasks are still following the old process.

Agency announced that a feedback satisfaction survey for the RAG meeting would be launched right after the meeting, with a deadline for answering till 31 July 2013.

Conclusion:N/A

Action 1-7-2013: Agency to distribute to RAG Work Instruction on stakeholder led rulemaking tasks as well as ED Decision on reimbursement of experts

Action 1-8-2013: Agency to launch a satisfaction survey for the RAG meeting with deadline

31 July 2013.

11. AOB

Presented by: Mauro Bubnic (CdT), Athanasios Tziolas, Micaela Verissimo, Athanasios Tziolas

- *Translation process*

Main points were the cooperation between EASA, CdT and the European Commission, the tendering process for freelance translators with aviation knowledge to be launched in Sept-Oct 2013, the provision of reference material and glossaries to the CdT with the help of the NAAs. Also, NAA translation focal points should get a notification of each Opinion translation launched by EASA.

The Chair stressed that correct translation was a safety issue, and urged the RAG to communicate CdT tendering process to their competent services or translation connections so as to possibly participate.

Upon request the Agency agreed to circulate the list of translation focal points and their counterparts in the CdT.

It was important to improve communication between the CdT translators and the Commission DG T, so that it was clear that CdT texts were sometimes also checked by national experts and were therefore reliable.

- *AltMoC: notification form and EASA webpage content*

The presentation illustrated the future website content and the form to be filled out.

The following questions were asked:

Do we still need to inform other MS if we fill out the form and submit to EASA for publication?

Agency answered that the requirement to notify could be considered fulfilled by informing EASA, which then publishes the information on its website. The information on the website will necessarily be limited – not all the information provided to EASA will be published, just some basic facts. The NAAs are welcome to provide further details to the other MS on their own initiative if they so wish.

- *Communication platform*

Two tools will be tested in the coming months for their suitability:

www.yammer.com and CIRCABC. All advisory bodies should have access and use the same tool. The Agency asked for 3 volunteers for testing. Those RAG members who volunteered were: UK, NL and FI

- *GA strategy and how NAAs could stay informed on this issue*

due to the lack of time, this issue was not addressed and will be put on agenda of next meeting.

- *Planning of future meetings*

Dates for next meetings were confirmed.

Action 1-9-2013: Agency to distribute consolidated glossaries to RAG and TAGs.

Action 1-10-2013: Agency to distribute list of focal points and their translator counterparts at CdT to the RAG

Action 1-11-2013: Agency to add 'GA strategy and how NAAs stays informed on this issue' as agenda item at next meeting.

12. Closing

Presented by: *the Chair*

The Chair thanked everyone for attending.
The meeting closed at 15:20h

List of actions:				(Optional)
Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)
1-1-2013	include issue on Cabin air on RAG 2-2013 agenda	Agency	Next meeting	Agenda item on RAG 2-2013
1-2-2013	distribute the Specific Declaration of Interests form and the Working Instruction on Determination of Memberships of Rulemaking Groups to RAG for consultation	Agency, RAG	-	done as post-meeting document
1-3-2013	address issue on Total System Approach in rulemaking, add as item to agenda of RAG 2-2013.	Agency	Next meeting	Agenda item on RAG 2-2013
1-4-2013	launch survey to consult RAG on Regulatory Challenges Paper	Agency, RAG	By XXX	done on 16-07-2013
1-5-2013	distribute CRD on RMP 2014-17 for information	Agency, RAG	by September 2013	<u>done</u>
1-6-2013	share paper on ex-post evaluation with advisory bodies	Agency	end of the year	
1-7-2013	distribute to RAG Work Instruction on stakeholder led rulemaking tasks as well as ED Decision on reimbursement of experts	Agency	after the meeting	done
1-8-2013	launch a satisfaction survey for the RAG meeting.	Agency, RAG	Answers by 31 July 2013.	done
1-9-2013	distribute consolidated glossaries to & ask for more reference material from, RAG and TAGs	Agency, RAG, TAGs	after the meeting	<u>done</u>
1-10-2013	distribute list of focal points and their translator counterparts at CdT to the RAG	Agency	after the meeting	<u>done</u>
1-11-2013	add 'GA strategy and how NAAs stays informed on this issue' as agenda item at next meeting	Agency	at next meeting	Agenda item on RAG 2-2013

Next meeting:
The next meeting is arranged for 13 November 2013 in the Cologne-Deutz Jugendherberge , Siegesstr. 5, 50679 Cologne (just opposite of EASA headquarters)

List of Participants

Attendees	Members:
	Mr Thomas Kacsich Ministry of Transport Austria

Mr	Didier	Ledur	Civil Aviation Authority	Belgium
Ms	Eleonora	Dobreva	DG Civil Aviation Administration	Bulgaria
Ms	Tea	Galić	Civil Aviation Agency	Croatia
Mr	Alfonso	Arroyo	Directorate General for Mobility and Transport, European Commission	EC - DG MOVE
Mr	Vladimir	Nekvasil	Civil Aviation Authority	Czech Republic
Mr	Theo	Rabenberg	Transport Authority	Denmark
Ms	Susanna	Metsälampi	Transport Safety Agency	Finland
Mr	Georges	Thirion	Direction Générale de l'Aviation Civile	France
Ms	Marina	Köster	Bundesministerium für Verkehr, Bau und Stadtentwicklung	Germany
Mr	Sotirakis	Stamou	Civil Aviation Authority	Greece
Dr	Erika	Varga	National Transport Authority - Aviation Authority	Hungary
Ms	Jóhanna Helga	Halldórsdóttir	Civil Aviation Administration	Iceland
Mr	Brian	Skehan	Aviation authority	Ireland
Mr	Enea	Guccini	ENAC	Italy
Mr	Dace	Revizore	Civil Aviation Agency	Latvia
Ms	Anna	Cudare	Civil Aviation Agency	Latvia
Mr	Henrik	Caduff	Office of Economic Affairs	Liechtenstein
Mr	Bob	Rieder	DGCA, Ministry of Infrastructure and Environment	Netherlands
Ms	Nina Beate	Vindvik	Civil Aviation Authority	Norway
Mr	Malgorzata	Polkowska	Civil Aviation Office	Poland
Mr	Martin	Němeček	Civil Aviation Authority	Slovak Republic
Ms	Melita	Pristov	Ministry of Infrastructure and Spatial Planning	Slovenia
Mr	José María	Ramírez Ciriza	Aviation Safety Agency	Spain
Mr	Magnus	Molitor	Transport Agency	Sweden
Mr	Igor	Pirc	Federal Office of Civil Aviation	Switzerland
Mr	Ben	Alcott	Civil Aviation Authority	United Kingdom
Observers:				
Ms	Selma	Hodzic	Ministry of communications and Transport	Bosnia and Herzegovina
Ms	Tea	Galić	Civil Aviation Agency	Croatia

	Ms	Aleksandra	Potporević	Civil Aviation Directorate	Serbia
	Mr	Özcan	Baçoğlu	Min. of Transport, Directorate Gen. of Civil Aviation	Turkey
	Mr	Jürgen	Stegmeier	EDA	European Defense Agency
	Other participants:				
	Mr	Franz	Graser	Austrocontrol	Austria
	Ms	Teodora	Boteva	DG Civil Aviation Administration	Bulgaria
	Mr	Vladimir	Nekvasil	Civil Aviation Authority	Czech Republic
	Mr	Bob	Rieder	DGCA Min. of Infrastructure and Environment	The Netherlands
	Mr	Ralf	Erckmann	Certification Directorate, Policy & Planning Department	EASA
Apologies	Mr	Ovidiu	Trăichioiu	Civil Aeronautical Authority	Romania

Conclusions prepared by	Kirsti Reinartz-Krott	5/07/2013	Signature
Conclusions reviewed by	Athanassios Tziolas, operational depts., Jules Kneepkens	Date	Signature