



European Aviation Safety Agency

**MINUTES OF MEETING**

Subject FCL &amp; OPS Thematic Advisory Group (TAG) Meeting1/2012

Date 20 June 2013

Organised by EASA Rulemaking Directorate

<b>20 June 2013 FCL &amp; OPS TAG meeting</b>		
<b>Attendees</b>	Franz Graser	Austrian CAA
	Benoit Van Noten	Belgian CAA
	Vanya Naumova	Bulgarian CAA
	Damir Bezik	Croatian CAA
	Maja Mihaljević	Croatian CAA
	Vaněk Lukáš	Czech CAA
	Ole B. Lynggaard	Danish CAA
	Giulio De Crescenzo (GDE)	EASA
	Silvano Fabris (SFA)	EASA
	Jean-Marc Cluzeau (JMC)	EASA
	Matthias Borgmeier (MBO)	EASA
	Annette Ruge (ARU)	EASA
	Daniela Defossar (DDE)	EASA
	Manuel Gonzalez Lopez	EDA
	Jens Fehler	EDA
	Irina Petrova	European Commission
	Hirviranta Jukka	Finnish CAA
	Frantz Chout	French DGAC
	Philippe Aurade	French DGAC
	Páll S. Pálsson	Iceland CAA
	Terry Oneill	Irish CAA
	Marco Silanos	Italian ENAC
	Jean-Claude Marbec	Luxembourg CAA
	Matthieu Burgers	Netherlands CAA
	Tom Egil Herredsvla	Norwegian CAA
	Rosiński Wiktor	Polish CAA
	Melita Pristov	Slovenian CAA
	José Luis Lozano Lozano	Spanish AESA
	Anders Pettersson	Swedish CAA
	Cliff Whittaker	UK CAA

[R3] [TAG 1-2013] [20 June 2013]



	Topics for Discussion
<b>1</b>	Welcome
<b>2</b>	Adoption of the agenda
<b>3</b>	<ul style="list-style-type: none"> <li>Adoption of the minutes of the previous meeting</li> <li>Review of action table</li> </ul> <p>WP 00: Minutes of meeting 1-2012</p>
<b>4</b>	<ul style="list-style-type: none"> <li>Presentation on <b>Article 5 of Regulation Aircrew medical certificates</b> - Annette RUGE</li> <li>Presentation on <b>Safe Transport of Dangerous Goods</b> - Lia CALLEJA-BARCENA</li> <li>Presentation on <b>Conflict of Interest</b> – Stephen MICK</li> <li>Presentation on <b>future Rulemaking Tasks updating Part-ARO and Part-ORO</b> – Julia EGERER</li> <li>Presentation/discussion on <b>Commercial air transportation at night or in IMC using single engine aeroplane</b> - Herve JULIENNE (IP 01 - Concept Paper RMT 232-233)</li> </ul>
<b>5</b>	<p><b>Highlights 4-year Rulemaking Programme (RMP)</b></p> <ul style="list-style-type: none"> <li>Progress update on on-going FS rulemaking tasks from the RMP 2013-2016</li> <li>FS TAG Feedback and opinion on the priorities of the 4-year Rulemaking Programme 2014-2017</li> <li>FS TAG recommendations on tasks to be added, deleted, advanced, postponed. Updated R.3 Inventory List.</li> </ul> <p>Presentation (to be distributed as follow-up documents)</p> <p>WP 01a - Cover to the Draft RMP 2014-2017 FV incl. RMT number</p> <p>WP 01b - Draft 4-year RMP 2014-2017 incl. RMT number</p> <p>WP 01c - Annex I - SESAR tasks</p>
<b>6</b>	<p><b>Technical issues</b></p> <ul style="list-style-type: none"> <li>Technical FCL &amp; OPS issues and examples</li> <li>Feedback on implementation of EASA rules</li> </ul>
<b>7</b>	<p><b>AOB</b></p> <ul style="list-style-type: none"> <li>Planning of future meetings</li> <li>Quality Survey (3 weeks to reply) <ul style="list-style-type: none"> <li>IP 02 - Future meetings calendar</li> </ul> </li> </ul>

	Topics for Discussion
<b>1</b>	Welcome
<p>The meeting started at 9.40. JMC (Chair) welcomed the attendees.</p>	
Conclusion/Action:	N/A

<b>2</b>	Adoption of the agenda
<p>JMC went over the Agenda.</p> <p>Attendees asked to add several items under AOB:</p> <ul style="list-style-type: none"> <li>-ICAO State letters regarding pilot's age</li> <li>-Art 14.4 EMS Single Pilot operations over age 60</li> <li>-TAG SSCC also for OPS</li> <li>-Implementation EASA rules regarding compliance with Part ORA for FSTD operators</li> </ul> <p>The Agenda was adopted with the additional AOB.</p>	
Conclusion/Action:	N/A

<b>3</b>	<ul style="list-style-type: none"> <li>▪ Adoption of the minutes of the previous meeting</li> <li>▪ Review of action table</li> </ul>
<p>JMC went over the minutes of previous meeting.</p> <p>Italy requested to change a typo: ARO.305 instead of ORO.DEC on page 4 of the minutes. The minutes were approved.</p> <p>JMC went over the Action Items regarding last TAG meeting.</p> <p>Regarding the FCL joint SSCC-TAG meeting, concern was raised by JMC that the FCL implementation forum would continue (as announced in the SSCC) and could be seen as a duplicate. Netherlands CAA (M. Burgers) confirmed that there was no such intend. The August meeting was scheduled before the first joint SSCC-TAG meeting took place, hence the confusion.</p> <p>JMC addressed also France's request to have a TAG-SSCC OPS meeting. He invited the MS that would like such a meeting to take place, to send to the Agency a list of the items that they would like to be discussed, so that in case enough items are received EASA would organize the meeting.</p> <p>(Please see Action Table below for details and comments regarding the specific Action Items).</p>	

[R3] [TAG 1-2013] [20 June 2013]



Conclusion/Action:	N/A
--------------------	-----

<b>4</b>	<ul style="list-style-type: none"> <li>▪ Presentation on <b>Article 5 of Regulation Aircrew medical certificates</b> - Annette RUGE</li> <li>▪ Presentation on <b>Safe Transport of Dangerous Goods</b> - Lia CALLEJA-BARCENA</li> <li>▪ Presentation on <b>Conflict of Interest</b> – Stephen MICK</li> <li>▪ Presentation on <b>future Rulemaking Tasks updating Part-ARO and Part-ORO</b> – Julia EGERER</li> <li>▪ Presentation/discussion on <b>Commercial air transportation at night or in IMC using single engine aeroplane</b> - Herve JULIENNE (IP 01 - Concept Paper RMT 232-233)</li> </ul>
<p>Annette Ruge gave a presentation on the acceptance of <u>Aircrew Medical Certificates</u> (please see the PDF version of the presentation) and explained that all JAR compliant medical certificates issued before 8 April 2013 in a MS for which mutual recognition had been recommended by the JAA are automatically accepted for Part-FCL licences. This applies also to JAR medical certificates that were not routinely recognised by some countries in spite of a positive recommendation from the JAA.</p> <p>Lia Calleja-Barcena gave her presentation on <u>Safe Transport of Dangerous Goods</u> (please see the PDF version of the presentation). She further explained that the structure of the upcoming meetings will be decided once this will be discussed with MS and after the result of the RAG meeting. JMC added that we need to discuss with MS how to proceed regarding dangerous goods issues, also in order to coordinate with ICAO.</p> <p>On this, JMC further reported that he spoke with Rulemaking Director Jules Kneepkens and that he agreed, and he suggested to have the coordination for panels between the Commission, EASA and MS discussed at the 13th of November RAG meeting, where the policy on EASA's participation in meetings will be discussed.</p> <p>Julia Egerer gave her presentation on <u>Future Rulemaking Tasks updating Part-ARO and Part-ORO</u> (please see the PDF version of the presentation). Some concerns were raised on how we maintain the OR-AR rules consistent and benefit from the work already done on Inspector's Qualifications.</p> <p>Stephan Mick gave his presentation on <u>Conflict of Interest</u>. Some concerns were raised on the fact that there would be a specific form for RAG- TAG Members. This could lead to a duplication of forms for those participating also in other groups (e.g. RM group).</p> <p>Herve Julienne gave his presentation on <u>Commercial air transportation at night or in IMC using single engine aeroplane</u> (please see the PDF version of the presentation). The political dimension of the issue was confirmed, as well as the difficulty related to the lack of data. Concerns expressed by some MS (operations over densely populated areas [Italy] and dense airspace [the Netherlands]) will help EASA to provide appropriate arguments in the RIA and the Explanatory Note. In addition, one MS [Austria] recommended to extend the scope of the task to include as a consequence piston engines.</p> <p>HJU also pointed out that, as mentioned during the presentation, the main reason for the amendment of the ToR for the extension the scope of the task to include turbine engine</p>	

[R3] [TAG 1-2013] [20 June 2013]



aeroplane is ICAO alignment.	
Conclusion/Action:	<p>Action 1: MS are asked to provide EASA DG expert with MS focal points on Dangerous Goods</p> <p>Action 2: Deadline regarding comments on the Rulemaking Task regarding the update of Part-ARO and Part-ORO extended to 31st of July</p> <p>Action 3: Deadline regarding comments on CAT at night or in IMC using single engine aeroplane extended to 12th of July</p>

<b>5</b>	<p><b>Highlights 4-year Rulemaking Programme (RMP)</b></p> <ul style="list-style-type: none"> <li>▪ Progress update on on-going FS rulemaking tasks from the RMP 2013-2016</li> <li>▪ FS TAG Feedback and opinion on the priorities of the 4-year Rulemaking Programme 2014-2017</li> <li>▪ FS TAG recommendations on tasks to be added, deleted, advanced, postponed. Updated R.3 Inventory List.</li> </ul>
<p>MBO provided an update on the situation regarding Art. 14 derogations/exemptions, and clarified the policy on Art. 14.4, in particular in relation to the justification of "unforeseen operational circumstances".</p> <p>He also mentioned that currently are about 15/20 cases.</p> <p>Following the presentation a number of questions/comments were raised.</p> <p>A question was asked on whether all the Art. 14 derogations/exemptions will be published on the European Commission's website.</p> <p>MBO replied that this is still to be defined.</p> <p>The UK commented that they hope there could be a time exemption for persons that are under training and for some special reasons cannot finish the training within the allotted timeframe.</p> <p>The UK further asked clarifications on the Action item on the TAG SSCC FCL meeting regarding calling a meeting on Examiner's briefings.</p> <p>MBO replied that the meeting is planned to take place on 30th of July (Standardization and Legal will be present) and that TAG and SSCC members will be invited.</p> <p>JMC provided the update on the 4 year Rulemaking Programme.</p> <p>Following the presentation, a number of questions/requests for clarification arose from the attendees.</p> <p>The European Commission representative reported that on 6th of July Part NCC and Part NCO are expected to come out of European Parliament scrutiny.</p> <p>Croatia asked when are Part-NCO and Part-NCC planned to published, and the EC representative replied that they plan to have them published by the end of September.</p>	

[R3] [TAG 1-2013] [20 June 2013]



<p>JMC then asked for Member States feedback on the RMP:</p> <p>Netherlands expressed the concern that the Language proficiency of cabin crew might be overregulated.</p> <p>JMC replied that the Agency received comments on the same issue also from SSCC members. This is a requirement coming from a Safety Recommendation.</p> <p>Regarding ECQB, MBO commented that the idea is to have system in place by 2014, coordinated by UK CAA and a steering committee.</p> <p>Italy asked a clarification regarding "hot fueling" and whether EASA planned any rulemaking. DDE replied that the Agency is planning on drafting a Safety Information Bulletin on this subject.</p>	
Conclusion/Action:	N/A

<b>6</b>	<p><b>Technical issues</b></p> <ul style="list-style-type: none"> <li>▪ Technical FCL &amp; OPS issues and examples</li> <li>▪ Feedback on implementation of EASA rules</li> </ul>
<p>Italy raised the issue of inconsistent compliance dates for OR for FSTD, ATO and OPS, which will automatically lead Organisations with multiple approvals to seek compliance at the earlier date (e.g. ATO before OPS, while OPS is the safety critical part... ). Italy asked if any flexibility could be used, but JMC clarified that there is no such flexibility in the rules. This was confirmed by the Commission. JMC suggested to raise the issue with the Standardisation Directorate.</p> <p>Question was asked regarding the current status of the rulemaking task regarding Gyroplanes. ARU replied that pre-RIA for FCL has been published and the TOR will follow as indicated in the rulemaking programme.</p> <p>DDE added that EASA received a certification request for a Gyroplane above 560 kg.</p>	
Conclusion/Action:	N/A

<b>7</b>	<p><b>AOB</b></p> <ul style="list-style-type: none"> <li>▪ Planning of future meetings</li> <li>▪ Quality Survey (3 weeks to reply)</li> </ul> <p>IP 02 - Future meetings calendar</p>
<p><b>Any Other Business</b></p> <p>Austria asked for clarifications regarding Age 60 and ICAO State Letters.</p> <p>A recent ICAO State Letter is proposing to allow 2 pilots above age 60 to fly together in CAT. The probability that both pilots would be incapacitated at the same time on the same flight because of their age is still extremely low, so EASA supports this proposal.</p> <p>The Agency positive response is challenged by France. They claimed that some scientific studies prove the contrary.</p> <p>ARU also informed that 2 Member States sent article 14/4 exemptions on the maximum age for pilots in single pilot EMS operation. FCL.065 determines that the maximum age in this case is</p>	

[R3] [TAG 1-2013] [20 June 2013]



60 years, the exemptions are to allow a maximum age of 65 years.

Italy asked whether it is correct that age limits do not apply to Special Operations and this was confirmed.

Austria informed about a recent problem on data protection with regard to the rule saying that aero-medical examiners (AME) have to send all medical documentation of aero-medical assessments to the licensing authority. Some AMEs do not comply with this rule saying that it is not in compliance with the European Data Protection Directive.

ARU explained that the rule in Part-MED is based on ICAO Annex 1 and JAR-FCL 3 (MED) regulation but that the Agency will contact the EU Data Protection Supervisor to examine the issue.

JMC illustrated the planning for the future meetings, and he explained that a Quality survey is available on the website to be filled in by the participants.

Meeting closed at 16.00.

Conclusion/Action:	N/A
--------------------	-----

<b>Schedule of the next meeting</b>	<b>Date: 10 October 2013</b> <b>Location: Hotel Hyatt, Cologne</b>		
<b>Prepared by</b>	Silvano Fabris	15/07/2013	
<b>Reviewed by</b>	Jean-Marc Cluzeau	23/07/2013	

Action table					
Action	What	Who	When	Status	Comments
2012-01-01	Update on Circa's AGNA website access	Agency	Prior to Next Meeting	O	<p>The Agency is currently deciding on the IT platform to use (main candidates are CIRCA and YAMMER). A working group composed by some RAG and some SSCC members will be testing the new platform before it will be officially implemented.</p> <p><u>Oct. 2013: still open, on-going</u></p>
2012-01-02	Create an internet email account where NAA can send their altMoC	Agency	Prior to Next Meeting	<del>C</del>	<p>The account has been created:</p> <p><a href="mailto:AltMOC@easa.europa.eu">AltMOC@easa.europa.eu</a></p> <p><u>Closed</u></p>

[R3] [TAG 1-2013] [20 June 2013]



2012-01-03	Clarify the respective roles of TAG and FCL Partnership meetings	Agency	Prior to Next Meeting	C	Closed
2012-01-04	Operations specialists to consider whether an Operations Partnership Group should be formed	Member States	Prior to Next Meeting	O	<p>MS should send to EASA possible topics to be discussed at an OPS meeting.</p> <p><u>Oct. 2014: Awaiting MS and Industry feedback</u></p> <p><u>Next Standardization meeting planned 04 Dec.2013</u></p> <p><u>Thematic workshops: assessment of SMSs</u></p> <p><u>Stays open, on-going: awaiting feedback</u></p>
2012-01-05	MS to provide comments on IP 03 by 10 October the latest	Member States	10 October 2012	C	Closed
2012-01-06	Prepare List of Status of compliance with ICAO SARPS	Agency	t.b.d.	O	<p>EASA is currently working with European National Continuous Monitoring Coordinators to establish guidance material on how to complete ICAO Compliance Checklists. The task has been made difficult because ICAO guidance on what constitutes a difference is lacking and there are differences of opinion. Anyway, we have fairly clear guidance for the Compliance Checklists and a few EASA Departments will be completing these over the coming months. Once completed, MSs NCMCs will be consulted.</p> <p><u>ICAO to provide a definition on what constitutes a difference.</u></p> <p><u>A SL in July, feedback, process led by ICAO too long for EASA.</u></p>

[R3] [TAG 1-2013] [20 June 2013]





					<u>At the EASA level: policy, should be ready by Oct.2014</u>  <u>Stays open</u>
2013-01-01	MS are asked to provide EASA DG expert with MS focal points on Dangerous Goods	Member States	t.b.d.	<u>C</u> $\ominus$	<u>ICAO published a list, EASA will use this list.</u>  <u>Closed.</u>
2013-01-02	Deadline regarding comments on the Rulemaking Task regarding the update of Part-ARO and Part-ORO extended to 31st of July	Member States	31 July 2013	<u>C</u> $\ominus$	<u>Closed.</u>
2013-01-03	Deadline regarding comments on CAT at night or in IMC using single engine aeroplane extended to 12th of July	Member States	12 July 2013	<u>C</u> $\ominus$	<u>Closed.</u>