



Terms of reference

for a rulemaking task

Revision of the operational rules for sailplanes

RMT.0698 — ISSUE 1 — 26.4.2016

	Applicability	Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 965/2012; Decision 2014/015/R (Part-CAT); Decision 2014/016/R (Part-NCO); Decision 2014/017/R (Part-ORO); Decision 2014/018/R (Part-SPO); Decision 2014/025/R (Part-ARO)	Concept paper:	No
		Rulemaking group:	No, only expert group
		RIA type:	Light
		Technical consultation during NPA drafting:	N/A
		Publication date of the NPA:	N/A
Affected stakeholders:	Pilots, operators, competent authorities	Duration of NPA consultation:	N/A
		Review group:	N/A
Driver/origin:	Efficiency/proportionality	Focused consultation (workshop):	2016/Q4
		Publication date of the opinion:	2017/Q2
Reference:	Regulation (EC) No 216/2008	Publication date of the decisions:	2018/Q2



1. Issue and reasoning for regulatory change

The major goal of the European Aviation Safety Agency's (the Agency) General Aviation (GA) Road Map is to work towards simpler, 'lighter' and proportionate rules for GA. The air operations regulatory framework for sailplanes was chosen as one project in the context of the GA Road Map. This rulemaking activity is included in the Agency's [5-year Rulemaking Programme](#) under RMT.0698.

2. Objectives

The general objectives of the European Union in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008 (the Basic Regulation). The specific objective of the present rulemaking task is to establish a simpler and proportionate air operations regulatory framework for sailplanes.

3. Activities

During the development of the draft rules and the impact assessment, the following activities shall be considered:

1. to review the present sailplanes' rule structure as laid down in Commission Regulation (EU) No 965/2012;
2. to improve the clarity of the rule structure;
3. to identify those parts of the rules which can be simplified;
4. to take into account the input received from the sailplane community on targeted improvements;
5. to verify that the new operational rules do not conflict with the requirements of Regulation (EU) No 923/2012 (Standardised European Rules of the Air (SERA));
6. to review the 'line' between implementing rules (IRs) on the one hand, and acceptable means of compliance (AMC) and guidance material (GM) on the other hand;
7. to consider switching from prescriptive to performance-based rulemaking, as appropriate;
8. to modify the rules and to establish a single 'book' for the air operations rules of sailplanes, taking into account the above-mentioned activities No 2 to 7.

4. Deliverables

Due to the tight time frame, and in accordance with the Agency's new Rulemaking Procedure¹, no notice of proposed amendment (NPA) and, consequently, no comment-response document (CRD) will be issued. The planned deliverables of this rulemaking task are the following:

1. An opinion containing a proposal for:
 - a new regulation on sailplanes containing a cover regulation and an annex with air operations IRs;

¹ The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of Regulation (EC) No 216/2008. Such a process has been adopted by the Agency's Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material.



- an amendment to Commission Regulation (EU) No 965/2012 with the appropriate modifications and deletions as regards the IRs for sailplanes (Part-ARO, Part-ORO, Part-CAT, Part-NCO, and Part-SPO).
2. Decisions containing:
- the associated AMC/GM to the new regulation;
 - the appropriate modifications and deletions as regards the AMC/GM for sailplanes related to Commission Regulation (EU) No 965/2012 (Part-ARO, Part-ORO, Part-CAT, Part-NCO, and Part-SPO).

5. Focused consultation

For the present rulemaking task, a workshop with stakeholders and national aviation authorities (NAAs) is envisaged where the draft IR (opinion) and the draft AMC/GM (decisions) shall be discussed. Since no NPA will be issued, this workshop shall serve as an alternative method to consult widely with interested parties on the envisaged air operations regulatory framework for sailplanes.

6. Profile and contribution of the expert group

Due to the tight time frame, and due to the fact that no NPA will be issued, no formal rulemaking group (as described in the Agency's Rulemaking Procedure) will be established. Instead, on a less formal basis, an expert group will work on the present rulemaking task. This expert group shall comprise representatives from:

- operators;
- competent authorities; and
- manufacturers.

The expertise and experience of the group's experts shall cover:

- the operation of sailplanes;
- the competent authority oversight of sailplane operators; and
- in-depth knowledge of the air operations regulatory framework for sailplanes.



7. Annex I: Reference documents

7.1. Affected regulations

- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

7.2. Affected decisions

- Decision 2014/015/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-CAT of Regulation (EU) No 965/2012 and repealing Decision 2012/018/R of the Executive Director of the Agency of 24 October 2012
- Decision 2014/016/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-NCO of Regulation (EU) No 965/2012 and repealing Decision 2013/022/R of the Executive Director of the Agency of 23 August 2013
- Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012
- Decision 2014/018/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-SPO of Regulation (EU) No 965/2012
- Decision 2014/025/R of the Executive Director of the Agency of 28 July 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ARO of Regulation (EU) No 965/2012 and repealing Decision 2014/014/R of the Executive Director of the Agency of 24 April 2014

All the above Decisions are available at <http://easa.europa.eu/agency-measures/agency-decisions.php>.

7.3. Reference documents

- Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1)

