



# Terms of Reference

## for Rulemaking Task RMT.0509

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### Regular update of CS-FCD

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#### Issue/rationale

The aviation industry is complex and rapidly evolving. The corresponding rules need to be updated regularly to ensure that they are fit for purpose, cost-effective, and can be implemented.

Regular updates are issued when relevant data is available following an update of industry standards, feedback from certification activities, or minor issues raised by the stakeholders.

This rulemaking task provides one of those regular updates of the certification specifications (CS) and guidance material (GM) for flight crew data (FCD) in order to reflect the state of the art and best practices.

<b>Action area:</b>	Regular updates	<b>Rulemaking group:</b>	No
<b>Affected rules:</b>	CS-FCD	<b>Rulemaking Procedure:</b>	Standard; direct publication; accelerated
<b>Affected stakeholders:</b>	Design organisations of aircraft and other design organisations dealing with changes or supplemental type certificates to these aircraft		
<b>Driver:</b>	Efficiency/Proportionality; Safety		
<b>Impact assessment:</b>	n/a		



## 1. Wh we need to change the rules — issue/rationale

The European Union Aviation Safety Agency (EASA) is faced with a growing number of subjects that call for the amendment of certification specifications (CSs). These subjects vary in nature — some of them may be directly driven by safety issues, while others may be primarily driven by other factors (for instance, the arrival of new technologies that are not yet addressed in the CSs, or the need to address security issues). Some of those subjects are simple, while others are considered to be complex.

On a regular basis, EASA will review the subjects and consider, on a case-by-case basis, whether the proposed changes qualify for using the standard rulemaking or special rulemaking procedures such as direct publication or the accelerated procedure as defined respectively in Article 15 and Article 16 of EASA Management Board (MB) Decision N°18-2015<sup>1</sup>.

In order to increase the efficiency of the rulemaking process and to keep CS-FCD up to date with technological developments, EASA decided to group together those subjects that are considered to be non-complex, non-controversial, and mature. This concept is identified in EASA Management Board (MB) Decision N 18-2015 (see Article 3.5. on ‘systematic rulemaking projects’).

## 2. What we want to achieve — objective

The overall objectives of the EASA system are defined in Article 1 of Regulation (EU) No 2018/1139<sup>2</sup>. This project will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 1.

The specific objective of this proposal is to provide regular amendments of CS-FCD in order to reflect the state of the art and best practices. This rulemaking task (RMT) will, therefore, propose an amendment of CS-FCD based on the selection of non-complex, non-controversial, and mature subjects. The ultimate goal is to increase safety and efficiency.

Because of the generic nature of this RMT, it will remain open and has no end date.

## 3. How we want to achieve it

On a regular basis, EASA will:

- select subjects that meet the criteria of the objectives that are listed above;
- whenever sufficient subjects are available, consult stakeholders on the proposed amendments;
- review the received comments and prepare responses to them; and
- publish an ED Decision that amends CS-FCD.

<sup>1</sup> Management Board Decision N°18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications, acceptable means of compliance and guidance material (‘Rulemaking Procedure’) (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>)

<sup>2</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>)



## 4. What are the deliverables

The following deliverables may be issued:

- an NPA that describes the subjects that have been selected and proposes an amendment of CS-FCD; alternatively, a focused consultation workshop or consultation of the advisory bodies;
- a comment-response document (CRD), if an NPA was consulted; and
- an ED Decision that amends CS-FCD.

## 5. How we consult

EASA will consult affected stakeholders either through an NPA or depending on the subject, through alternative measures for consultation. These measures may include the following:

- technical meetings with affected stakeholders,
- technical workshops,
- conferences (including teleconferences),
- technical meeting with the advisory bodies,
- focused consultation on key issues via surveys or sharing documents per email with a identified affected stakeholders, and/or
- written advisory bodies consultations (to be used only in the standard process as a tool to support the review of comments on the NPA).

## 6. Interface issues

Based on experience gained through the implementation of Commission Regulations (EU) No 965/2012 on air operations and (EU) No 1178/2011 on aircrew, issues requiring the amendment of CS-FCD may be identified.

## 7. Profile and contribution of the rulemaking group

n/a

## 8. Reference documents

### 8.1. Affected regulations

n/a

### 8.2. Affected decisions

Decision 2014/008/R of the Executive Director of the Agency of 31 January 2014 adopting Certification Specifications and Guidance Material for Flight Crew Data 'CS-FCD – Initial issue' .

### 8.3. Reference documents

n/a

