



# Terms of Reference

for rulemaking task RMT.0732

## Repository of aviation-related information (Article 74 of the Basic Regulation)

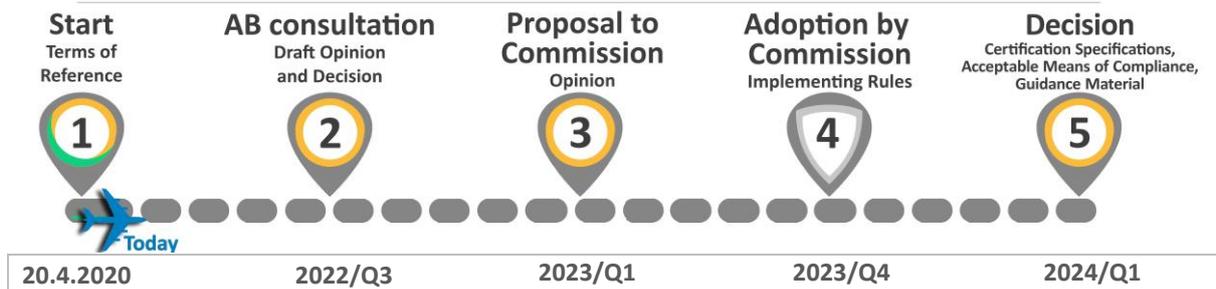
ISSUE 1

### Issue/rationale

- Article 74 of Regulation (EU) 2018/1139 of the European Parliament and of the Council (the ‘Basic Regulation’) requires the Agency, in cooperation with the Commission and the national competent authorities, to establish and manage a repository of information necessary to ensure effective cooperation between EASA and the national competent authorities concerning the exercise of their tasks relating to certification, oversight and enforcement under this Regulation.
- Considering the huge quantity and complexity of information as well as the obligation to comply with data protection requirements, the EASA Management Board decided to set up a dedicated Task Force which falls under MAB. The Task Force will focus on specifications per domains, the global architecture and the governance of the future platform.

<b>Action area:</b>	Basic Regulation Roadmap]		
<b>Affected rules:</b>	Not applicable		
<b>Affected stakeholders:</b>	Member States, Commission, Safety Investigation Authorities		
<b>Driver:</b>	Strategy	<b>Rulemaking group:</b>	Task force
<b>Impact assessment:</b>	None	<b>Rulemaking Procedure:</b>	Accelerated in accordance with Article 16 of MB No 18-2015

### EASA special rulemaking procedure milestones



Please note that the timing of the delivery of this Opinion shall be coordinated with the adoption of the Implementing Rules for the following topics:

- safety related aerodromes equipment;
- groundhandling services; and
- ATM/ANS systems and ATM/ANS constituents.

Therefore, this Opinion can only be submitted after the Regulations on the issues listed above are adopted.



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

Article 74 of the Regulation (EU) 2018/1139<sup>1</sup> (the ‘Basic Regulation’) requires EASA to develop a ‘repository’ which aims at exchanging structured safety-related information between the competent authorities, EASA, and the Commission. The purpose is to ensure effective cooperation between EASA and the competent authorities in performing their tasks relating to certification, oversight, and enforcement under this Regulation.

Furthermore, the new rule will support EASA’s digitalisation ambition as defined in the EPAS section 3.2.4, which aims at integrating EASA and the aviation system, allowing streamlined processing of data and advanced analytics capabilities.

### Related safety issues

There are no Safety Recommendations related to the scope of this RMT.

### Exemptions<sup>2</sup> in accordance with Article 70 ‘Safeguard provisions’/Article 71 ‘Flexibility provisions’ and/or Article 76 ‘Agency measures’ of Regulation (EU) 2018/1139<sup>3</sup> pertinent to the scope of this RMT:

There are no exemptions pertinent to the scope of this RMT.

### Alternative means of compliance (AltMoC) relevant to the content of this RMT

There are no relevant AltMoC relevant to the scope of this RMT.

### ICAO and third countries references relevant to the content of this RMT

There are no direct references to be considered for this RMT.

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<sup>1</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. 1–122)

<sup>2</sup> Exemptions having an impact on the development of this RMT content and referring to:

- Article 70(1): Measures taken as an immediate reaction to a safety problem
- Article 71(1): Limited in scope and duration exemptions from substantive requirements laid down in Regulation (EU) 2018/1139 and its implementing rules in the event of urgent unforeseeable affecting persons or urgent operational needs of those persons
- Article 71(3): Derogation from the rule(s) implementing Regulation (EU) 2018/1139 where an equivalent level of protection to that attained by the application of the said rules can be achieved by other means
- Article 76(7): Individual flight time specifications schemes deviating from the applicable certification specifications which ensure compliance with essential requirements and, as appropriate, the related implementing rules

<sup>3</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=1536149403076&uri=CELEX:32018R1139>).

References to differences between the content of this RMT and ICAO SARPs, FARs, etc.

There are no differences applicable to the scope of this RMT.

EU requirement not having yet relevant reference — stemming from a comparison between the intended content of this RMT with ICAO SARPs, FARs, etc.

As the information to be included in the repository will contain personal data (e.g. Medical certificate), it is necessary to ensure compliance with the regulations listed below:

- EASA:  
Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
- Member States:  
Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR).

## 2. What we want to achieve — objective

The new rule, as required by the Article 74 of the Basic Regulation, has the objective to create the rights and obligations for the European Commission, the Member States, and EASA that are necessary to facilitate the exchange of safety-related aviation information between them. This includes data that is relevant for certification, oversight, and enforcement activities.

The new rule shall allow EASA to establish and maintain a repository of such information. Such repository shall use a technology that allows digital exchange of information between the European Commission, the Member States, and EASA.

This repository shall be established and maintained by EASA with the help of the European Commission and the Member States.

## 3. How we want to achieve it

- EASA shall develop the draft regulatory material based on the items listed in Article 74 of the Basic Regulation and other articles of the same regulation that refer to the ‘repository’. In order to develop the regulatory framework, EASA shall, with the help of a task force composed of Member State experts, define:
  - the information to be included in the repository;
  - the classification of this information;
  - the protection of this information, considering data protection rules and security needs, including dissemination and storage;
  - the conditions of access to this information for the European Commission, the Member States, including their safety investigation bodies, and EASA; and
  - the governance rules to manage, maintain, and improve the overall solution for this repository of information.



## 4. What are the deliverables

To complete this task, the following deliverables shall be produced by EASA :

- A draft Opinion/Decision, for an Implementing Rule and the related acceptable means of compliance (AMC) and guidance material (GM) for a focussed consultation with the Member States following the procedure described in Article 16 of MB Decision 18-2015;
- an EASA Opinion with draft Implementing Rules;
- an ED Decision with related AMC and GM;
- safety promotion material.

## 5. How we consult

- As agreed during the EASA Management Board (MB) meeting 2018-03, the work shall be carried out as an EASA rulemaking task with the support of a Member State task force.
- Following the MB meeting, the members of this task force have been nominated by the EASA Member States' Advisory Body (MAB) during meeting MAB SG3-2018, following a call for nomination in MAB SG2-2018.
- It has been agreed that the task force shall report periodically to the MAB SG on the progress of this task.
- Once reviewed within the Task Force, the draft Opinion and Decision shall be consulted with the EASA Advisory Bodies for a period of two months.
- Since the future rules will only affect Member States and EASA, the work will follow the 'accelerated procedure' as described in Article 16 of the MB decision 18-2015.

## 6. Interface issues

- As Article 74 of the Basic Regulation refers to multiple articles, the following implemented Implementing Rules, as amended, may be impacted:
- Commission Implementing Regulation (EU) ~~1025/2011~~ 2017/373 (ATM)
- Commission Implementing Regulation (EU) 2015/340 (ATCO)
- Commission Implementing Regulation (EU) No 452/2014 (TCO)
- Commission Implementing Regulation (EU) No 139/2014 (ADR)
- Commission Implementing Regulation (EU) No 965/2012 (OPS)
- Commission Implementing Regulation (EU) No 748/2012 (Initial Airworthiness)
- Commission Implementing Regulation (EU) No 1321/2014 (Continuing Airworthiness)
- Commission Implementing Regulation (EU) No 1178/2011 (Aircrew)
- Commission Delegated Regulation (EU) 2019/945 (Drones)
- Commission Implementing Regulation (EU) 2019/947 (Drones)



- It shall be noted that the following articles of the Basic Regulation to which article 74 refers or applies to, do not have Implementing Rules available yet and may delay – or impact in the future - the definition and full implementation of Article 74:
- Articles 35 and 79 on safety related aerodromes equipment;
- Article 37 on groundhandling services;
- Article 42, 45 and 80 on ATM/ANS systems and ATM/ANS constituents.
- In addition, the repository will include information on the following :
- Article 2(6) on opt-in;
- Article 2(8) and 2(11) on opt-out;
- Articles 64 and 65 on the transfer of responsibilities.
- EASA has already started developing the technical solution, with the support of the Task Force, to enable the exchange of information for three topics (EAMR, derogations, and drones). The Implementing Rules should reflect the reality of a well-tested technical solution. Therefore, the Implementing Rules regulating the Repository of the aviation-related information should be developed after the successful implementation of the technical solution for the three topics mentioned above.

## 7. Reference documents

### 7.1. Related regulations

- This RMT does not aim at amending any existing regulations.

### 7.2. Related decisions

- This RMT does not aim at amending any existing Decisions.

### 7.3. Reference documents

- 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
- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

