



Summary of Conclusions

RAG 2-2015 meeting

3 November 2015

Centre Albert Borschette, rue Froissard 36, 1040 Brussels

Organised by

Strategy and Safety Management Directorate- Strategy and Programmes
Dept. -Safety Programmes Section, SM 2.1

Acronyms used:

AB – Advisory Body
AMC – Acceptable Means of Compliance
ATM – Air Traffic Management
CS - Certification Specification
CRD – Comment Response Document
EDA – European Defence Agency
EAB – European Advisory Board
EASA cmtee – EASA Committee
EASP - European Aviation Safety Programme
EASp – European Aviation Safety Plan
FCL &OPS TAG - Flight Crew Licensing and Operations Thematic Advisory Group
GA – General Aviation
GASP – Global Aviation Safety Plan
GM - Guidance Material
ICAO – International Civil Aviation Organisation
IP – Information paper
IR – Implementing Rule
KPIs – Key Performance Indicators
MAB – Member States’ Advisory Body
MB – Management Board (EASA)
MS – (EASA) Member States
NAA – National Aviation Authority
PBO – Performance Based Oversight
PBR – Performance based regulation
RAG – Rulemaking Advisory Group
RBO – Risk Based Oversight
RMT – Rulemaking Task
RoP – Rules of Procedure
SARP – Standard and Recommended Practise
SESAR – Single European Sky ATM Research
SMS – Safety Management System
TeBs –Member States’ Technical Bodies
ToR – Terms of Reference
WG – Working Group
WP – Work Programme
WS - Workshop

List of Participants

Attendees	Mr	Marc	De Smet	Civil Aviation Authority	Belgium	
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	Ms	Eleonora	Dobrev	Civil Aviation Administration	Bulgaria
	Ms	Ana	Kapetanovic	Civil Aviation Agency	Croatia
	Mr	Vladimir	Nekvasil	Civil Aviation Authority	Czech Republic
	Mr	Nikolas heo	Jørgensen	Transport Authority	Denmark
	Mr	Alfonso	Arroyo	Directorate General for Mobility and Transport, European Commission	EC - DG MOVE
	Ms	Susanna	Metsälampi	Transport Safety Agency	Finland
	Mr	Georges	Thirion	Direction Générale de l'Aviation Civile	France
	Mr	Dirk	Sajonz	Luftfahrt Bundesamt	Germany
	Dr	Erika	Varga	National Transport Authority - Aviation Authority	Hungary
	Ms	Kristín Helga	Markúsdótti r	Civil Aviation Administration	Iceland
	Mr	Brian	Skehan	Aviation Authority	Ireland
	Mr	Alessandr o	Cardi	ENAC	Italy
	Mr	Carl	Tabone	Civil Aviation Directorate	Malta
	Mr	Bob	Rieder	Ministry of Infrastructure and Environment	Netherlands
	Mr	Marcin	Szczygieł	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	AESA, Spanish Aviation Safety Agency	Spain



	Mr	Magnus	Molitor	Transport Agency	Sweden
	Ms	Francine	Zimmerman n	Federal Office of Civil Aviation	Switzerland
	Ms	Astridur	Scheving Thorsteinson	EFTA surveillance authority	EFTA
	Mr	Mileta	Nikolic	Civil Aviation Agency	Montenegro
	Ms	Veti	Gorgieska- Atanasoska	Civil Aviation Agency	F.Y.R.O.M
	Ms	Ana	Deljanin	Civil Aviation Directorate	Serbia
Apologies	Mr	Rodica	Cazanciuc	Civil Aeronautical Authority	Romania
Further Participants	Mr	Franz	Graser	Austrocontrol	Austria (replacing Member)
	Mr	Bence	Buday	National Transport Authority - Aviation Authority	Hungary
	Mr	Denis	Bouvier	European Defence Agency	EC – EDA (replacing Observer)
	Ms	Geneviève	Molinier	Direction Générale de l'Aviation Civile	France
	Mr	Karl	Koefoed	Civil Aviation Authority	Norway (replacing Member)
	Mr	Neil	Williams	Civil Aviation Authority	United Kingdom (replacing Member)

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MoM Distribution:	(Optional)
All participants	

MoM prepared by	Kirsti Reinartz-Krott	16 11 2015	Signature
MoM reviewed by			Signature



1. Welcome and Introduction

Presented by: Luc Tytgat, Director Strategy & Safety Management (Chair)

The RAG Chair welcomed the attendees to the second RAG meeting this year. He mentioned the strategic items on the agenda and how they would affect the work of the NAA Advisory Body following the review, such as mission of the group, discussions on emerging issues, available tools of the revised Rulemaking process and the Programmes as the foundations for the Agency's future missions, as well as the constraints and resources involved.

2. Adoption of the agenda

Presented by: Chair

The Chair asked for additional Agenda items, remarks:

- Request for the 2016 meeting dates.
- Request for earlier delivery of meeting documents (see IP 22 (draft RoPs), which indicates 14 Working days before meeting), possibly written procedure to facilitate.
- Request for lighter agenda or more time for discussion in future, possibly dedicated meetings for certain items.

The Chair reaffirmed commitment of the Agency to provide documentation in a timely manner for the meeting.

Conclusion: The Agenda was adopted as presented to the RAG at the meeting.

The agency will have to adapt the agenda of such meetings in order to avoid too much burden the end of the meeting when lacking time to satisfactorily complete all the scheduled items.

3. Adoption of the minutes of the previous meeting, review of action table

Presented by: Chair

For the open action item 13-1-2015, Members were given a reminder to provide a focal point for the Safety Promotion Network as soon as possible.

On **Action 16-1-2014**, the NL RAG member gave an update of the New Business Model RAG WG which had five action items following its latest meeting: further to the SMS evaluation tools, there was a questionnaire to AOC holders planned, with SSCC to be consulted.

Conclusion: The minutes were agreed with the proposed changes.

4. Revision of the Rulemaking Process

Presented by: Jean-Marc Cluzeau, Head of Strategy and Programmes Dept.

Following the presentation, the Chair requested input on what topics may not have been covered in the draft proposal. The draft MB decision was supported, with a number of detailed comments:

- The direct publication of Opinion and Decision (without an NPA) was supported, but the RAG suggests that the ED should report on the use of such "discretionary powers" to the Management Board
- The consultation of ToRs with the Advisory Bodies (ABs) is considered useful in most cases. The A-NPA should not be followed directly by the publication of the proposed rule (being this a draft IR or CS, AMC, GM).
- Several MS expressed their view that AB should be adequately involved in the Rulemaking Process also in the future (in relation to the establishment of the RM Programme and in the following phases: RIA, ToR)
- Several member states have stated that it is essential that the provision of a consultation through the established Advisory Bodies should remain in Art. 4, par. 2 and 3 as well as in Art. 6.
- In Art 3 and 6 of the draft, detailing respectively the elements to take into account in drafting the rulemaking programme and the NPAs, it is proposed to add reference to new business models.



- An extension of the comment period was requested. Agency only to extend by one day (5 November) due to strict internal deadlines.

The Agency explained that the aim was to strengthen the consultation process and to use rulemaking (as opposed to safety promotion or focussed oversight) only when a clear added value is demonstrated. It also stressed the greater importance given to Impact Assessments.

Conclusion: The Agency will take account of RAG comments in its final draft for the MB.

Action 1-2-2015: Agency will extend the comment period to the draft MB Decisions until 5 November 2015.

5. New structure of Advisory Bodies

Presented by: Jean-Marc Cluzeau, Erik Moyson, plenary SSCC Chair

Following the presentation on the draft MB Decision on the review of NAA AB, as well as the presentation of the SSCC Chair on the stakeholder AB, RAG expressed support for the MB Decision, however, it raised these concerns:

- How to manage the increasing agenda content and resulting workload effectively. There was a consensus on the need to increase the length and/or frequency of the meetings (at RAG and TAG level) to cope with this. The enlarged scope of the ABs may need longer meetings. It was requested to foresee the possibility to allow NAAs experts to join the meetings of the MS AB (MAB, replacing RAG) and to be able to **nominate an alternate for the MAB and the TeB** as well as invite experts for special subjects.
- Ensure that with the merge of TAG and Standardisation meetings both rulemaking and standardization issues receive the necessary time and attention.
- Draft needs to include specific reference to the thematic sub-groups (TeBs) established via the rules of procedure.
- Pros and cons of splitting FCL&OPS TAG as well as of establishing new SMS and GA TAG were expressed.
- Clarification on who decides on the group's composition was requested.

RAG was supportive of changes to Stakeholder ABs presented by plenary SSCC Chair, who explained that discussion were still ongoing on the merger of SSCC and EAB. Final discussions with the Agency will take place on 20 Nov. The need to keep stakeholder structure as close to NAA AB structure as possible was also acknowledged.

Conclusion: The Agency will consider the RAG comments in its final draft for the MB.

6. Update on Programmes 2016-2020

Presented by Kai Bauer, Safety Programmes Section Manager

Following EASp presentation, the RAG expressed support to the new format of the proposed documents, and made several suggestions:

- Provide for a change log file comparing the EASp with the previous version.
- Consult the SES Committee on the ATM related content of the RMP/EASp.
- Increase the exchange between National experts and the Agency in the EASp preparation. France suggested to hold a meeting in if necessary, Paris before endorsement by MB.
- Put more emphasis on SMS - in particular in relation to a perceived a lack of ambition on regulating SMS in maintenance.
- Include safety targets, at least as a longer term objective

There was also a question on how is GASP taken into account.

France presented some comments to specific tasks in the RMP.

Regarding the EASP 2nd edition,



- A concrete proposal to change place of the 'enforcement policy' to Chapter 3.1. was made.

The Commission representative stated that there had been a written consultation for Annex 19, and that in second edition of this annex, the EASp would be added.

A 3rd edition of the Programme is due for 2018-19, including the changes to the Basic Regulation.

The Agency agreed to further discuss the input of DGAC-F experts prior to MB (through a meeting if necessary).

Conclusion: The Agency will consider RAG comments in its final draft programmes for the MB.

Action 2-2-2015: Agency to better link SES Committee to ATM tasks in programmes.

Action 3-2-2015: Agency to include French remarks on RMT.0196, .0591, .0596 and .0678 in the draft RMP.

Action 4-2-2015: Agency to include GASP reference in the EASp.

7. Feedback of Member States on Overregulation

Presented by: J.-M. Cluzeau

The Agency reminded the RAG of the background of the feedback, stemming from recommendations of an MB subgroup asking to a.o. give concrete examples of overregulation. Input had been received from 8 MS with more than 40 comments. The Agency was currently finalising a CRD on this, adding actions to address issues.

The RAG supported the idea that overregulation can be mitigated by:

- fact-based programming and rulemaking (Safety Risk Panel, Impact Assessment);
- the new Rulemaking Process;
- PBR and PBO.

Conclusion: The Agency will provide a CRD for the feedback received.

Action 5-2-2015: Agency to draft and distribute a CRD on overregulation comments for the MS feedback on overregulation.

8. Performance Based Regulation and Risk Based Oversight

Presented by: R. Hamelijnc, SMS Coordinator Officer and Gian-Andrea Bandieri, Surveillance System Coordinator

The RAG supports the draft PBR strategy and policy, but considers that the move towards a more performance based system needs a strategic message and proper change management, not only within the Agency, but also the Member States (a.o. as regards training and qualification of inspectors) and the Industry. The whole idea needs time for change of mind-set.

The presentation on RBO was much appreciated.

Furthermore:

- The understanding of what it means to be 'compliant' needs to evolve.
- Some appreciated that prescriptive rules may be more adequate in some domains (e.g. GA).
- Are CSs translations foreseen? Now we have CS for 'individuals', so they need to understand what is expected from them. The Agency responded that for budget reason this was not envisaged.
- Will the 'Rules Base', a tool to be introduced by the Agency, only be in English? The answer was yes.
- How to deal with the fact that ICAO SARPs are written in a prescriptive manner? This does not prevent MS from implementing PBR, however attention should be paid to possible mutual recognition issues with bilateral partners who use prescriptive rules.

The Agency agrees that further work is needed on the implementation plan – a more system-wide approach, not exclusively centred on Agency, is needed. This could include in particular a common training plan for authority staff in Member States and the Agency Regulation Officers.

The deadline for consultation of the PBR paper is 26 November 2015.

Conclusion: The Agency will consider MS comments to the draft policy and strategic plan.



Action 6-2-2015: Agency to launch consultation on PBR paper till 24 November.

9. SESAR and ATM Master Plan

Presented by: Jussi Myllärniemi, Head of ATM/ANS and Aerodromes Dept.

The Agency presented the on-going and future work related to SESAR reviews and regulatory work. It pointed out the importance of good preparation and implementation especially of the VLDs (very large demonstrations) which take place in the operational environment

- SESAR deployment necessitates a total system approach and thus an effort by the NAA's covering all aviation domains
- States would need more guidance for NAAs to be ready 'when the deployment happens'.
- It is important to have a common approach and assure that European Industry plays at equal level with rest of world
- Semi-military dimension (by EDA): interdependency between regulators is key also for military projects involved, with military coordinator as SES interface to MS military authorities.

Conclusion: N/A

Action: N/A

10. Horizontal issues

RMT.0583 on Lead flight Test Engineer (LFTE)

Presented by Trevor Woods, Certification Director

RAG Members opinions were split into those supporting or not the license. Compromise solutions (i.e. 'attestation' based on Part-21 authorisation, limited applicability to CS 25 aircraft) were discussed.

Most argue that a licence would be a burden with no safety benefit. Differences between licence and attestation/authorisation were briefly discussed.

The Agency concluded that it would maintain its 'no licence' position, however it would further look into possible adjustments suggested during the meeting, building on Part-21 'authorisation'.

Austrian contribution for horizontal issue

Presented by Franz Graser, Austrocontrol, replacing Karin Puleo-Leodolter

Austria introduced a paper expressing support to a horizontal approach with an AR/OR-GEN for all domains and some specifics for the more domain related issues. It is feared in particular that the currently fragmented approach may not support:

- the development of harmonized rules;
- a standardized implementation of European Rules;
- the introduction of Risk/Performance Based Oversight;
- the standardization activities by EASA;
- the efficient use of resources, including for the production of regulatory material;
- the promotion of European rules globally;

The presentation received wide support from RAG Members

The Agency replied that it does not have a horizontal structure of rules for historical reasons and we may have to live with this in the near future.

The Agency is well aware of the issue. For this reason, the RMP 2016-2020 will identify:

- a single project management for all SMS related RM tasks
- a horizontal RMT for alignment of all Implementing Rules with Regulation EU 376/2014 on occurrence reporting.



The Agency further proposed to include an ex-post evaluation on AR/OR GEN in the RMP 2017-2021 and further build an action plan to be built upon this.

Conclusion: The Agency will consider the input received for this item and proceed to several actions. . It will provide a progress information on the elements presented by AT at the next RAG meeting.

Action 7-2-2015: Agency to place all SMS related RM tasks under a single project manager in RMP 2016-2020 and to add a horizontal RMT for alignment of all Implementing Rules with Regulation EU 376/2014 on occurrence reporting.

Action 8-2-2015: Agency to execute an ex-post evaluation on AR/OR GEN via a task in RMP 2017-2021 and build and action plan upon this.

11. Feedback on implementation of EASA rules – SkyUber, etc. platforms – NL contribution

Presented by: Bob Rieder, NL RAG member

The new platform “SkyUber” is raising questions within Member States: is it mere “cost sharing” or “CAT Operations requiring an AOC”?

RAG members also stated that passengers deserve a high level of safety and need to be informed that this way of travelling does not provide the same level of safety as Commercial Air Transport.

RAG Members decided to share experience and information from their legal departments.

France has presented its concerns about this new aviation concept; its BEA has carried out studies where it could be proven that the “objective of destination” add pressure on the pilot and lead to dangerous situations Independently of the nature of these flights which is, sometimes, questionable (private/commercial); the point is that this new aviation activity could lower the safety level associated to the private/leisure activities (in case these flights are so considered).

Luc Tytgat has been presented as the focal point on this subject within the agency.

Conclusion: The RAG invited the Agency to study this case and the possibilities for a common approach.

Action 9-2-2015: Agency to consider studying this sort of platform’s legal status and the possibilities for a common approach.

12. (13b.) ATM Performance Scheme – Safety KPI and Interdependence with environmental KPI

Presented by: Chair

The Agency presented the plans and first aspirations of developing safety KPIs for RP3 (Reference Period 3) It was asked what the Agency contribution to flight efficiency was, would there be a report?

The Agency replied that next year a document will summarise the initiatives taken, as well as the impact on SESAR, Single European Sky, Alternative fuels, Clean Sky and on the Performance Scheme. It was stated that from an environmental point of view, more criteria are asked for, such as noise and emissions.

This should also be covered in the Agency Work Programme and through discussions with DG-MOVE SES unit on how to engage EASA in Rulemaking task to prepare the safety and environmental targets.

Conclusion: N/A

Action: N/A

13. (13c) Safety Promotion Activities

Presented by: John Vincent

A presentation on current safety promotion activities was given. RAG members indicated that:

- Safety Promotion is widely accepted and encouraged, in particular for General Aviation.
- The use of Social Media needs to be focused, otherwise this could be costly.
- Language remains a challenge.



The Agency

- expects more Safety Promotion Network nominations to come (10 MS so far).
- announced a Workshop to be planned for 3 March 2016.

Conclusion: N/A

Action: N/A

14. (13d) Cross Domain Safety Management tool RAG WG update

Presented by: Neil Williams, UKCAA

An update on the RAG working group meeting outcomes was given.

Conclusion: N/A

Action: N/A

15. AOB

Presented by: Kai Bauer, Jean-Mark Cluzeau

German Wings task force recommendations

The Agency announced an Aircrew Medical Fitness workshop to discuss implementation of the task force recommendations on 7-8 December.

RAG feedback:

- Recommendations should be reviewed to make sure that a balanced approach is taken
- Monitoring of recommendations is needed
- Content of some recommendations not clear

Agency replied that there is no intention of a 'short cut' to solutions. Currently there is a staff member coordinating across the whole Agency. The WS is only a first step; a focussed consultation will follow, the outcome of which will produce follow-up actions to recommendations. More details will be given following the meeting.

The Spanish member of the RAG stated that, having not had the opportunity to contribute to the Task Force work, AESA will be providing written comments to the Action Plan published by EASA on the Task Force recommendations

SIB consultation:

The Agency explained that this consultation, which has already started, is part of the extension of the NAA Advisory Body remit.

EASA Committee (EASA cmtee) agenda outlook

The Commission briefly explained some main discussion items of the meeting scheduled on the following day.

State letter on global tracking

The Chair explained the background: EAMC will adopt a position relying upon a very prescriptive rule. This is going against spirit of the state letter.

Agency urges MS to correspond with focal points in Montreal.

European Central Repository for occurrence reporting

RAG raised concerns about data-sharing through the tool, although ECCAIRS is used, which de-identifies information.

Agency took as valid point.

Calendar of future meetings for MAB

Agency informed RAG that planning of meetings will be revised, although will continue to synchronise with EASA cmtee. Most likely increase to more than 2 meetings a year.



Post-meeting note:

The proposed meeting dates are as follows:
MAB 16 February (17-18 EASA cmtee) - TBC
MAB 28 June (29-30 EASA cmtee) - TBC
MAB 25 October (26-27 EASA cmtee) - TBC

ICAO Assembly:

The Finnish RAG member raised point a survey on conflicts of interest and requested the Agency answer.

Conclusion: N/A

Action 10-2-2015: Agency to distribute post-meeting doc on WS and next steps related to implementing Germanwings task force recommendations

Action 11 -2-2015: Agency to provide to Finnish RAG member (Chair of the ECAC Legal Task Force) the Agency response to the survey on conflict of interest.

16. Closing

Presented by: Chair

The meeting closed at 18.00h. Many thanks for active participations and constructive discussions.

List of actions:

Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)
1-2-2015	extend comments to proposal draft MB Decision on RM process till 5 November 2015.	Agency	Before MB meeting	Closed at meeting
2-2-2015	better link SES committee to ATM tasks in programmes.	Agency	Report to the next meeting	Open.
3-2-2015	include French remarks on RMT.0196, .0591, .0596 and .0678 in the draft RMP.	Agency	Before the MB meeting	Open.
4-2-2015	include GASP reference in the EASp.	Agency	Report to the next meeting	Closed. Has been included in the EPAS.
5-2-2015	draft and distribute a CRD for the MS feedback on overregulation.	Agency	Post-meeting document	Closed. Will be distributed before next meeting.
6-2-2015	launch consultation on PBR paper collect input.	Agency	24 November 2015	Closed with e-mail of 6/11/15
7-2-2015	place all SMS related RM tasks under a single project manager in RMP 2016-2020 and to add a horizontal RMT for alignment of all Implementing Rules with Regulation EU 376/2014 on occurrence reporting.	Agency	Report to the next meeting.	Closed. Project Manager will be officially nominated at next EASA safety



				Committee meeting.
8-2-2015	execute an ex-post evaluation on AR/OR GEN via a task in RMP 2017-2021 and build and action plan upon this.	Agency	Report at next meeting	On agenda of next meeting
9-2-2015	consider studying this sort of platform's legal status and the possibilities for a common approach.	Agency	Report at next meeting	On agenda of next meetin
10-2-2015	distribute post-meeting doc on WS and next steps related to implementing Germanwings task force recommendations.	Agency	Post meeting document	Closed. Sent on 20/01/16 by e-mail.
11-2-2015	provide FI RAG member Agency response to survey on conflict of interest.	Agency	Post-meeting document	Closed. Survey response sent on 24/11/15.

