

European Aviation Safety Agency

SAFETY STANDARDS CONSULTATIVE COMMITTEE

MINUTES OF 2ND MEETING 2008

20 NOVEMBER 2008

Opening and around Table

The Chair, Martin Ambrose, opened the meeting by welcoming participants to Cologne. He asked individuals to introduce themselves and invited them, at any time, to inform him of suggestions they might have to improve the meeting.

Adoption of Agenda / Previous Meeting Minutes and Actions Arising – WP00

Both the agenda and the final draft minutes, dated 5 August 2008, were adopted without change.

The action table was displayed and a verbal debriefing was given on each open item. The table has been amended accordingly.

It was agreed that one additional AOB item, concerning a meeting to discuss standardisation matters, would be raised at an appropriate time during the meeting.

1. Report from the subcommittee Chairs

The Chair invited the subcommittee Chairs to present their previous day meeting reports. General points were made which have been noted by the Agency are included below, whilst specific items are recorded at an appropriate point in the remainder of the minutes.

Design and Manufacturing

- 21.004 Critical Parts: Follow-up requested for clarification on terminology on the EASA website FAQ page.
- Rulemaking Programmes: The Agency was requested to clarify the approach for the establishment of the future 4 year work-plan.
- Additional discussion was requested on the need for consultation and early notice of retroactive requirements to design approval holders, in the absence of a regulatory tool, similar to FAR 26.
- Concerning task 21.024(a), DOA privileges on certification documents (NPA 16-2006), reactions to the CRD were encouraged.
- With respect to task MDM.028(c), aging structures, clarification was requested on the information expected from Type Certificate Holder about 'the key assumptions used in structural analysis' to avoid a possible harmonisation issue.
- Agency feedback was also requested with respect to survey results addressing value-added publications and e-tools.

In conclusion the D & M sub-group offered to provide advice on rulemaking proposals received by the Agency.

Engineering and Maintenance

- As yet there were no nominations available for the Vice-chair position.
- Regulation EC No. 2042/2003: Impact of new basic Regulation No.216/2008 varied. The minimum syllabus for maintenance type training being introduced as CS under Part 21

(complexity concerns). Operational Suitability Certificate and Type Training Syllabus will involve retrospective action for existing applicable aircraft. 119 out of approx 126 types have no approved course today. Timescale and the need for this retrospective action warrant a review.

- Regulation complexity: No one place to see the rule and linked decisions (AMC/GM) together. No indices to many publications. Amendments to Basic Regulation, but no consolidated version on Agency website. All this creates a 'Jigsaw analogy' with no master picture on the box to be followed, or a final piece count. Additionally the proposed path to future regulatory structure adds to these concerns.
- New regulation structure: The subcommittee felt that the existing structure was too complex; however the proposed new structure still presented a number of problems. Concerns included the effort, cost and complexity involved in the change, together with the concept of "general requirements" being separate from specific "technical requirements". It was queried as to whether it would be better not to change the structure and content together, but to make the transition a two step process; otherwise chaos and total confusion would be likely. The questionnaire about e-tools could now be more relevant.
- Future meetings and workshops: A further request was made to re-instate industry meetings. Whilst different views exist in some industry sectors, IP01 nevertheless recognises the difficulties small organisations have in remaining in touch with regulatory changes across the spectrum, which can affect such organisations. The Agency was requested to review the subject again.
- When the Chair asked if the Agency had given any further thought to establishing a consolidated list of approved organisations, the Agency replied that they were considering the best way forward and would report progress at a future meeting.

Flight Standards

- Evaluation of the Agency: The use of statistics was discussed, on both accepted and rejected comments on NPAs. Problems with statistics were recognised but some form of qualitative performance indicators would be useful. "The willingness of stakeholders to participate in the rulemaking process could decrease if they get the impression that their comments are not adequately considered."
- Rulemaking Programme: Update on rulemaking tasks for OPS.001, FCL.001, and 21.039. A new schedule for the comment period will be generated shortly, in the form of a note. Progress report concerning the 2008 RMP was noted. Task 66.011(a) is cross referenced to 21.039. It was also noted that 21.039 cannot be finalised unless 66.011(a) is completed. 21.039 explanatory text is not in line with the ToRs of the Group.
- Standardisation process: Supported the idea for a strong process to ensure coherence in Europe and supported the Agency's proposal for a dedicated meeting (see point 6).
- New "AMC policy": Requested a workshop to clarify the concept after the publication of the NPA.
- Extension of NPA Comment Period: Subject discussed in depth. Flight Standards unanimously supports the extension of the comment periods. FCL.001 should be extended to end of February 2009 in order to provide sufficient overlap. Also OPS.001, AR/OR, 21.039, and 3rd Country to between end of March and May 2009. The implementation period should remain at approx. 2 years. This will result in a delay of the implementation date, as specified in the Basic Regulation. It may also necessitate the provision of early information to the Commission and an industry lobbying effort to the Council and Parliament.

Action required:

1. Follow-up Agency clarification of 21.004 critical parts terminology on EASA web-site FAQ page.
2. Agency to provide clarification concerning information expected from TC holders concerning Task MDM 028(c), aging aircraft.
3. With regard task 21.039 Operational Suitability Certificate, the Agency to arrange a review of the need for retrospective action with respect to maintenance type training for existing aircraft.
4. The Agency accepted the establishment of a review group for task 21.010;
5. Agency to re-consider the re-instatement of industry meetings.

2. Evaluation of the Agency

Information Paper 01: Final recommendations in relation to rulemaking

The Chair introduced the topic by saying that Agency Papers of this importance, warranting immediate attention on receipt, needed to be identified / highlighted to the recipient committee member in some way to prevent them going astray and to ensure that they were dealt with expeditiously. He hoped that the Agency would pick up on this point.

The Agency introduced IP01, saying that room for improvement really existed, in terms of rulemaking processes and it was proposed that the matter be discussed in a dedicated SSCC meeting on 15 January. The results would then be reviewed at the Management Board meeting on 10 February 2009. Industry views, together with those of the National Aviation Authorities (NAAs), were vital in the review/feedback process.

The Agency was also concerned that the ‘small industry’ participants should not feel neglected in the review process. The NAA focal points were also considered to be an important part of the communications initiative, helping to overcome potential language difficulties.

It was important to consider how to improve the rulemaking process as a whole, with emphasis on NPA outlines together with their content. This needed to be done in a phased manner with realistic timescales. It was also planned to take into account Agency internal views as part of the review activity.

The Chair queried as to whether the Paper warranted a ‘drill down’ review at this stage, but following discussion concluded that it would be better to wait until the meeting on 15 January, which will include the organisation and functioning of the SSCC. The intention was to be forward looking so as to avoid further exercises of this nature, in the short term.

The Chair welcomed the Agency taking a firm hold of the subject. In particular he supported the NAA focal point communication approach and thought that the Agency should consider adopting the same discipline. The Agency agreed to look into this. Furthermore the Chair stressed the need for a “roadmap” of EASA’s future plans which should include clear lines of demarcation between the activities of the NAAs and EASA.

In order to prepare for the January meeting SSCC members were requested to provide comments on IP01 by 30 November. The Agency would then make meeting summary proposals by 15 December, in preparation for the meeting on 15 January.

Action required:

6. Agency to consider NAA focal point communications discipline for use within EASA.
7. Action dates, in context with preparation for 15 January SSCC meeting, to be met as follows:
 - 30 Nov. SSCC member comments on IP01
 - 15 Dec. Agency summary meeting proposals
 - 15 Dec. Agency sends invitation and agenda

3. 2008 and 2009 Rulemaking Programmes

Information Paper 02: State of Implementation of the reduced 2008 Rulemaking Programme

Information Paper 03 (a), (b), (c): Explanatory note + 2009 Rulemaking Programme appendix 1 + 2009 Rulemaking appendix 2.

The Chair asked, in view of forthcoming meetings, etc. as to whether an in depth review of the reference papers was needed at this stage. SSCC members said that they would appreciate some feedback concerning subcommittee pre-meeting views. In addition the Agency said that it wished to carefully consider the variety of points which had been made, in particular:

- Extension of the consultation period for the OPS and FCL NPAs
- Come-up with SSCC suggestion for a realistic rulemaking programme. It therefore reduced the number of tasks in 2009, as discussed in the Management Board meeting of September 2008.
- Linkage between rulemaking tasks for the 4 year time frame, covering people “in house” with priorities established for discussion with the Management Board.
- Consider the legislative process on the 2nd extension which particularly will have an effect on EASA workload and hence need to be addressed.
- SSCC members raised the subject of NPA comment deadlines. The Agency agreed with respect to MDM.003 that the dates for NPAs 2008-17 (pilot licensing), 2008-20 (Part 21) and 2008-22 (training schools) would be aligned. A similar approach was agreed for Flight Standards with respect to OPS.001, AR21.039 (to cater for Task 66.011a) and FCL.001.

The Agency explained that post the Management Board review, industry will be presented with a ‘complete book’ concerning rulemaking priorities to 2012, in Spring 2009.

Action required:

8. The Agency will extend the consultation period of the NPAs on OPS and FCL and communicate details in a note to the advisory bodies.
9. The Agency will consider the alignment of the public consultation deadline for NPAs 2008-17 (Implementing Rules for pilot licensing), 2008-20 (Flight testing) and 2008-22 (Authority and Organisation requirements). A similar approach will be followed with respect to Implementing Rules for Air Operations of Community operators, Operational Suitability Certificate NPAs (to cater for Task 66.011a) and NPA 2008-17.

4. Preparation of the 4-year rulemaking programme

The Agency explained the process for the development of the 4-year work plan. The plan priorities were fixed for 2009, but that for 2010 the proposed programme would be reviewable in summer 2009. Members commented that this would effectively keep industry in the dark until the middle of next year for 2010 subjects. The Agency pointed out that it will develop the programme on the

basis of known safety cases and legal obligation and that it will check the priorities expressed by SSCC in previous exercises. Therefore it was unlikely that there would be any surprises.

In response to a question about the status of items in the rulemaking programme, the Agency explained that the document being prepared for the Management Board would clarify the matter.

Working Paper 01: Agency Paper on “approach with vertical guidance”

Working Paper 02: Agency Paper on “ADS-B”

The Agency presented the Papers 01 and 02 concerning vertical guidance and ADS-B. Following a decision made when reviewing the 2009 rulemaking programme the Approach with Vertical Guidance task had been withdrawn. However an NPA should shortly become available for this AMC and it is proposed to issue it as soon as possible to meet the deadlines envisaged by the Commission mandate (M408). A new Agency task should therefore be included in the 2009 rulemaking programme to address this.

With regard to ETSO for TCAS II, recent studies have shown that there are two important safety improvements that can be made to the TCAS II logic. The original planning of the Agency was to adopt the revised MOPS ED-143 standard as a revision to ETSO C-119b, as part of the task scheduled for completion in 2010. However a recent meeting with EUROCONTROL has shown that the initiative is not commensurate with the perceived risk. It is also therefore proposed to revise the ETSO as a high priority item and to include it in the 2009 rulemaking programme. In addition, the Agency is also considering an action on the existing fleet to require retrofit of the new ETSO standard.

Both ADS-B (other than NRA) and Data Link will be included in the 4 year rulemaking programme. SSCC members who had discussed the Papers in their sub-committee meetings supported the Agency proposals, adding that Ground Based Augmentation System was a priority with a view to include SBAS. Co-ordination with FAA would be essential over ADS-B.

Working Paper 03: Agency paper on a working approach for the production of “maintenance AMC for de-icing”

The paper on de-icing/anti-icing (A-NPA 2007-11) was presented as a key issue. The Agency explained that due to its importance and in order to prevent duplication of effort SSCC and AGNA advice was being sought about the possibility of issuing the changes to the AMC without an NPA, as the strict application of rulemaking procedure would normally require.

Maintenance subcommittee members made the point that questions had been posed to the SSCC about “by passing” the strict application of rulemaking procedure by making changes to AMC without an NPA. Also whilst the general thrust of changes was supported there were difficulties with some of the proposed wording, hence the NPA process might still be required.

In conclusion SSCC members suggested the Agency to issue an NPA on de-icing as required by the rulemaking procedure.

Action required:

10. The Agency to include tasks on “approach with vertical guidance” and TCAS-ETSO” in the programme for deliverables in 2009.
11. The Agency to issue an NPA on de-icing.

5. Policy Issues

Information Paper 04: Agency Paper on “Engineer Licensing – B4 licences

The Maintenance Sub-Committee had discussed the engineer licensing subject during their pre-meeting. It was felt that a modular, non-specific approach was needed. Industry proposed a meeting with the Agency to outline concepts and possible ways forward with this area of concern to the GA community.

The Agency believed that the avionics fits for GA aircraft had a bearing on the matter. If an engineer got a licence the work that might be available in the GA field would probably be rather limited. It was accepted that parallel issues were likely to exist in other countries adopting a similar model to EASA. It was also explained that if the creation of a B4 licence was retained there would be a need for a new rulemaking task since this change could not be introduced at this stage in task 66.022 (NPA 2008-03). In conclusion the Agency said that it also favoured a meeting to discuss some of the queries.

Information Paper 05: Agency Paper on “Approval of foreign parts within EASA countries”

The Agency explained that the paper had been written in response to action 1-1-2008 agreed at the previous SSCC meeting. It itemised the options for the acceptance, in the European system, of foreign parts from third world countries.

The Chair asked whether the task 21.046 on PMA is linked to this issue, to which the Agency responded that the Paper 05 addresses all parts..

At their meeting, D&M members had agreed a subcommittee action to identify possible cases where the existing options would not be workable and where possible to propose solutions (by 1 Feb. 09). The Agency was also encouraged to work with the EC to expand the network of bilateral agreements.

Action required:

12. The Agency to arrange a meeting to discuss Engineer Licensing – B4 License.

6. AOB

Planning of future meetings, including workshops - Information Paper 06: Future Meetings

The Chair opened the discussion about future meetings by requesting a suitable Agenda for the ‘Thematic’ Meeting planned for 15 January. The Agency replied by saying that this would be provided, however it was important not to limit the scope of the meeting excessively.

The Agency proposed that a co-located meeting on the subject of ‘Standardisation’ might also be provided on the 14 January. This would be managed by Mr F Banal, the Agency’s Standardisation Director. This was agreed in principle.

With regard to future SSCC meeting dates, it was agreed that the summer 2009 dates should be changed to cater for the EASA holiday on 11 June. After some discussion the following 2009 dates were agreed:

9 /10 June 2009

18/19 November 2009

On the subject of Workshop dates it was explained that some alterations would be necessary to cater for revised NPA publication dates.

The Agency agreed to keep SSCC members informed on the subject of new meeting/workshop dates.

SSCC Sub-committees’ recommendations for rulemaking - Information Paper 07: SSCC Sub-committees’ recommendations for rulemaking

Sub-committee members confirmed that they were in agreement with the content of IP07 although the Paper had not been reviewed in detail.

Applications to become member of SSCC - Information Paper 08: Agency paper on the membership of SSCC, including copy of RAeS application for membership

RAeS letter of 13 August 2008 was reviewed and it was generally agreed that the Flight Simulation perform a valued role but that the application was a specific technical case and as such it was not compatible with the objectives of the SSCC.

Similar SSCC membership requests had also been received from organisations like the Forum of European Regional Airports (FARE) and the European Low Fares Airlines Association (ELFAA). It was agreed that the reply would inform applicants about the review of the rulemaking process, and that a decision would be taken after the deliberations of the new SSCC composition.

Action required:

13. Agency to draft a response to the RAeS.

Child Restraint System (proposed by IACA) - Information Paper 09: Agency paper on the subject

The Agency explained that IP09 summarised the details of the study being undertaken by TUV Rheinland concerning Child Restraint Devices. The contract will end on 30 November and a meeting with the contractor was planned for 21 November when the final draft report would be reviewed.

It was agreed that the issue was a particularly sensitive one. It was important that children had the same restraint benefits as adults. An integrated approach was considered to be a sound way to approach the subject. There were also significant cost implications which would have an effect on industry as a whole.

A member hoped that the study can come-up with suggestion to address the injuries of infants, because they need a different type of restraint device. Also, the member advocated for consolidated efforts across the Atlantic.

IP09 was supported by the SSCC who would appreciate receiving feedback concerning the review of the contractor's report at an appropriate time.

Information on Rulemaking Studies - Information Paper 10: Update on ongoing 2007 and 2008 rulemaking studies

The Agency introduced IP10 which follows the same methodology as for the previous year. A number of points were made as follows:

For rulemaking studies the Flight Standards sub-committee requested that the standard of presentation needed improvement.

E-Surveys

Concerning translations survey, the Agency explained that SSCC views were sought on whether the translations had to be expanded on other documents than opinions; however the resulting cost implications needed careful consideration.

New Rulemaking Structure

An Agency slides presentation was provided on this subject. It was explained that this was not a new subject but in fact it went back to 1997 in the JAA with the 'CORA' initiative. The situation has become more complicated with the move to operational types of regulation with EASA competency being expanded to cover this medium of aviation safety regulation, in addition to the initial airworthiness codes.

A copy of the presentation is attached to these minutes for information.

The Chair stressed that, at the point that any existing regulations are moved across to the new structure, the Agency should provide some form of check list such that it would be apparent exactly what part of the existing rules had been moved across to where.

The Chair thanked Members for their attendance and closed the meeting at 1600 hours.

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Actions table

Action #	What	Who	When	Status	Comments
2-5-2007	Review the decision with respect the Vice-Chair.	E&M subcommittee	At the next meeting	O	The Sub-Committee asked for volunteers, but found none. There is then no Vice-Chair. No change
1-2-2008	Improve documents/document management system to better support SSCC work	Agency	ASAP	C	Will be part of the review of the rulemaking process
2-1-2008	Clarify on EASA web-site FAQ page information related to 21.004 critical parts terminology.	Agency	Before next meeting	O	
2-2-2008	Provide clarification concerning information expected from TC holders concerning Task MDM 028(c), aging aircraft	Agency	Before next meeting	O	
2-3-2008	With regard task 21.039 Operational Suitability Certificate, arrange a review of the need for retrospective action with respect to maintenance type training for existing aircraft.	Agency	Before next meeting	O	
2-4-2008	Establish a review group for task 21.010	Agency	Before next meeting	O	
2-5-2008	Re-consider the re-instatement of industry meetings	Agency	Before next meeting	O	
2-6-2008	Consider focal points for various disciplines within EASA for communication with industry.	Agency	Before next meeting	O	
2-7-2008	Action dates, in context with preparation for 15 January SSCC meeting, to be met as follows: - 30 Nov. SSCC member comments on IP01 - 15 Dec. Agency makes a summary of meeting proposals - 15 Dec. Agency sends invitation and agenda	SSCC Agency Agency	By 15/12	O	
2-8-2008	Extend the consultation period of the NPAs on OPS and FCL and communicate details in a note to the advisory bodies.	Agency	ASAP	O	
2-9-2008	Align the public consultation	Agency	ASAP	O	

	deadline for NPAs 2008-17 (pilot licensing), 2008-20 (Part 21) and 2008-22 (training schools). A similar approach will be followed with respect to OPS.001, AR21.039 (to cater for Task 66.011a) and FCL.001				
2-10-2008	Include tasks on “approach with vertical guidance” and “TCAS-ETSO” in the 2009 programme	Agency	ASAP	O	
2-11-2008	Issue an NPA on de-icing	Agency	In line with programme timeframes	O	
2-12-2008	Arrange a meeting to discuss Engineer Licensing – B4 License	Agency	ASAP	O	
2-13-2008	Draft a response to the RAeS	Agency	ASAP	O	

Legend & codes:

O: Open

C: Closed (The items indicated as closed will disappear from the table in the next minutes)

~: Continuous

WP: Working Paper

IP: Information Paper

X-X-200X: meeting reference – item - year

List of participants

Members

Martin AMBROSE (SSCC Chair)

Alfred VLASEK

Patrick DEBUCHY

Peter FEIND

Thomas LEOFF

Catherine GATHIER

Walter DESROSIER

Pierre GEORGES

Inger-Helene ENGER

Jorge LEITH

Philippe DE GOUTTES

Michael ERB

Darryl JOHNSON

Observers

Frank KABUTH

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Paulo MONTEIRO

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