



European Aviation Safety Agency

MINUTES OF MEETING

Subject SSCC Meeting 02-2011

Date 1 December 2011

Location Jugendherberge Koeln-Deutz

Organised by EASA

List of Participants

	SSCC Members	SSCC Observers
	Les Aalders, AIAC Martin Alder, ECA Dany van der Biest, IFATSEA Jean –Marc Billaud, ASD Dominique Bouvier, SNECMA John Clear, ELFAA Juan Alberto Cozar Maldonado, CANSO Patrick Debuchy, IATA Walter Desrosier, GAMA Catherine Gathier, ASD Tim Glasspool, EHA Belarmino Gonçalves Paradela, EBAA Phillippe De Gouttes, ASD Øyvind Hallquist, ACI Jon Harris, AEI Darryl Johnson, Rolls-Royce Frank Kabuth, EAMTC Mehdi El Kouch, ECOGAS Adrie Kraan, BCA Jorge Leite, AEA Thomas Leoff, EAAPS Roderick McGregor, CANSO Dick Meerman, ACI Paulo Monteiro, AIAB Pierre Moreillon, ERAC Erik Moyson, IACA Bernard Pauly, ASD Kris van der Plas, ECA Michel Rocca, CANSO Rudolf Schuegraf, Europe Air Sports Nuno Simões, ATCEUC Todd Sigler, AIA Liam Sisk, ASD Carlo Vergari, EIMG Roland Vermeiren, ESAM Bob Wilson, ASD	Alfonso Arroyo Fernandez, EC Michael Sanders, ASD
		Experts or alternative attendees
Attendees		John Clear, ELFAA
Apologies	Robert Alway, AEI Martin Ambrose, SSCC Chair, ERA Michael Hickey, ELFAA Nikki Jones, ETF Peter Feind, ASD	

Agenda 2-2011	
1	Welcome introduction
2	Adoption of the agenda
3	Adoption of the minutes of the previous meeting Review of action table
4 Information /Opinion	General introduction <ul style="list-style-type: none"> ▪ Update on existing remit <ul style="list-style-type: none"> ▪ Product safety ▪ Environmental protection ▪ Update on First extension ▪ Update on Second extension
5 Information	Reports from the Subcommittee Chairs¹
6 Information	Update on Review of the Rulemaking Procedure
7 Information	Feedback on implementation of EASA rules²
8 Information	Regulatory Roadmap
9 Information	AOB <ul style="list-style-type: none"> ▪ Planning of future meetings ▪ Principles of communication via the SSCC mailing list ▪ Presentation on Comitology following Lisbon Treaty ▪ Closing the feedback loop between Rulemaking and Standardisation ▪ Rulemaking and cooperation with 3rd country authorities ▪ Identify stakeholders who would be interested in SSCC/sub-SSCC activities

MoM prepared by	Kirsti Reinartz	Date	Signature
MoM reviewed by	Athanasios Tziolas	Date	Signature

¹ For efficiency reasons, Subcommittee Chairs are invited to present recommendations/ observations that are relevant to the full SSCC

² A permanent agenda point on the feedback on the implementation of EASA rules (difficulties in interpretation, implementation or harmonisation, identification of inconsistencies or regulatory vacuums) is added as a follow-up to the NETS implementation.

1. Adoption of the Agenda	
The Agenda was adopted with no addition of agenda items. The further items "Stakeholder Feedback survey" and questions related to the chairmanship were added to AOB at the very end of the meeting.	
Conclusion/Action:	N/A

2. Adoption of meeting 2-2010 minutes + Review of action table	
The minutes were adopted without further comments.	
It was decided not to give a verbal debriefing on each open item, but to update the table at the end of these minutes as concerns new actions as well as actions remaining from the previous meeting.	
Conclusion/Action:	2-1-2011: Agency to update the action table at the end of these minutes.

3. General Introduction	
<ul style="list-style-type: none"> ▪ Update on existing remit Product safety <ul style="list-style-type: none"> ▪ Agency gave an oral briefing on the following items: <ul style="list-style-type: none"> ▪ Volcanic ash: there are three rulemaking tasks currently being finalised, the NPA and two A- NPAs ▪ De-icing: Informed that work of the ICAO rulemaking group has been suspended for the time being because of need for coordination with FAA / TCCA. Workshop on the subject is considered. ▪ Agency gave a presentation on feedback on Part M rules following the Workshop on 27 October 2011. Following the presentation, a number of questions were asked: <ul style="list-style-type: none"> ▪ Import/ transfer of aircraft restricted to General Aviation? Agency confirmed that General aviation needed to be primarily considered, if there were domains ,they should be served thereafter. MDM.78 due to start early 2012. The aim is to issue ToR which will cover all aircraft categories. ▪ Why was NPA 2010-10 delayed? Agency replied this was due to the fact that the Agency wanted to be consistent with 3rd country rules in this domain. Two CRDs are now due to be released before end of the year, one to align maintenance rules with the new basic regulation and one on 3rd country aircraft. ▪ Update on tasks MDM.075 and 082? For MDM.075 has not been started although planned for beginning 2012, ToR preparations will depend on workload/resources. As for MDM.082, new technologies, the ToR are almost finalised, nevertheless very few resources, as responsible Rulemaking Officer now seconded to ICAO for two years. New staff expected to take up this work. <p>There was no update on Environmental Protection, but according to the Performance report presented at the common session, CAEP8 to be published soon. There are no changes to the initial plan.</p> <ul style="list-style-type: none"> ▪ Update on First extension <ul style="list-style-type: none"> ▪ After the presentations following queries were made: <ul style="list-style-type: none"> ▪ FTL due mid January. Can review period for CRD, which differs a lot from the NPA, be extended to 3 months to allow time for more reactions, since there was a grace period given by the EC? 	

According to the Agency, publication of the CRD was postponed because of holiday period. If extended again, which would need to be agreed with EC, the Opinion would be published only late summer and fall again in the holidays. It is important to carefully review the comments to see if more time is needed to answer them, and to compare if difference in content to NPA is significant enough to justify delay.

- Child restraint devices, scope of ToR? The Agency believes it is necessary to put an accent on the international aspect of the issue. Contact is being made with the FAA and later with ICAO, as it is very much global issue. ToR will be finalised only after the outcome of those contacts are known. ToR could be published 3rd quarter 2012 the soonest.

- **Update on second extension**

- Following the shared presentation, questions were asked for both domains:

- What does the ADR AR/OR (ADR.001) include?

The Agency explained that it covers authority requirements as well as requirements for the airport operator, including Safety Management Systems. Those were developed in close analogy to recent EU rule text in OPS and ATM domains.

- According to the Performance report there is a task named ATM.005 but it is largely an ADR task. How will ADR participate and what is the schedule?

The Agency explained that the name is just an informal working name. Work will be done by ATM and ADR in a shared way. Draft ToRs already exist, it is confirmed that airports/industry will be fully involved.

- What is the level of coordination between EASA and SESAR JU, and the level of involvement of EASA in the SES?

The Agency stated that the working arrangement with SESAR JU was already signed in 2010 and its goal was to provide upstream involvement to deliverables and to provide on time information to stakeholders so as to avoid any surprises. In this respect, common fora with SESAR JU were held. Concerning the SES committee, there is need for a roadmap, which will be developed by EC and EASA (with the assistance of SESAR JU and EUROCONTROL).

Regarding CPDLC (i.e. data link) with respect to regulation 29/2009, from 1st January 2011, all new aircraft have to be duly equipped. The Agency is in discussion with the EC to determine a solution to permit compliance with the rule to be demonstrated.

Conclusion/Action:	N/A
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4. Reports from the Sub-Committee Chairs

The Sub-Committee Chairs briefly presented their reports of the previous day's meeting (or in the case of ADR, of 17th November). General points were noted by the Agency whilst specific items are recorded at an appropriate point later on in the minutes. Further information can also be found in the relevant Sub-Committee presentations which have been uploaded on CIRCA as follow-up documents.

Agency responses to Sub-Committee reports

The presentations were followed by an answers session:

Responses to ATM Sub-Committee

Concerning the additional ATM dimensions of UAS, the EC WGs will do a wrap up and the Agency will report on this. As to maintaining ATM rules, we are learning from airworthiness domain. Many reasons to update/modernise: provide safety, level playing field... Looking for the best way to do this, option of tailor-made rulemaking.

Responses to ADR Sub-Committee

Although not yet published, positive feedback was given on ADR NPA and the way of collaboration.

Responses to Flight Standards Sub-Committee

Delays to tasks 20.016 and MDM 0.47:

As to MDM.047, answer is the same as for NPA 2010-10 (see above in existing remit update). Wanted to align with 3rd country operator (TCO) rules so need to wait till end of the year.

Also the name of the task (“human factors”) is misleading, because deals to 99% with alignments to TCO.

For 20.016, it was realised that the transposition of the material should be in the form of a Cs and not an AMC. This takes more time.

Child Restraint System: coordinate with FAA, it needs political attention, but it is not first priority.

Persons with reduced mobility: Agency notes suggestion to split group.

Performance Based Navigation: this being a cross departmental task, the Agency will give an update at next meeting on how to link all domains.

As to FCL/OPS inconsistencies, Agency welcomes notifications in this respect and thanks for the feedback received so far.

With regard to the list on Part 145, a solution will be found outside the forum

Responses to Engineering and Maintenance Sub-Committee

Decision on delay of tasks: Agency makes a proposal for a Rulemaking Programme to the MB. This is then confirmed by the Working Programme adopted by the MB, which includes the RM Programme. Nevertheless, changes can occur, then SCC will be informed if review necessary

Pre-RIA: will be sent in batches of ten

For outsourced pilot projects: Agency looks forward to experience and results of stakeholder groups. Agency to determine if more such projects possible in the future, even in the less technical field.

Conclusion/Action:	2-2-2011: Agency to update SSCC on how to link domains concerning Performance Based Navigation
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5. Agenda Item: Update on the review of the Rulemaking process

Information Paper 04: Presentation on the subject

Agency gave some explanations to the background and objectives of the review of the Rulemaking Procedure. The review started last year by setting up a working group with representatives of the Member States and Industry. In September 2011, the MB had given positive feedback on the draft report on the review. A final version of the report on the review of the Rulemaking Process and the amended Management Board (MB) decision on the “Rulemaking procedure” will be presented in the MB meeting on 14 December 2011.

Following issues were discussed:

- Outsourcing.

Three rulemaking tasks have so far been outsourced. The process is in a pilot phase. Projects suited for outsourcing will be selected by the Agency and presented to representative bodies to see if they wish to take some of them on board. The control of the process and the

rulemaking deliverables stays in EASA but the drafting and the administrative work (e.g. arranging rulemaking drafting groups) is done by the outsourced organization. Details on the process will be provided after the pilot phase. However it has to be pointed out that rulemaking tasks will be given to representative bodies of Industry and not to a single company.

- Concerns on the deletion of CRD reaction period were raised. It was advised Agency to keep the CRD reaction period at least for complex/controversial tasks. A suggestion was made to let stakeholders (like SSCC) trigger focused consultation to eliminate above concern.

Agency explained the reaction period is replaced by ad-hoc focused consultations with stakeholders during the review of comments. These further consultations are on the items which got more comments/disagreement and not on the whole text of the draft rule. This would also allow a more effective consultation and a less time-consuming process for the Industry too. The focused consultation might take the shape of a reaction period (if necessary) or of a workshop.

- Agency stressed that stakeholders will be invited to join RAG when specific issues need to be discussed. Moreover, SSCC will receive the same documents (i.e. pre-RIA; concept paper; ToR) submitted to RAG for ensuring the upstream coordination.

The Agency points out that the RAG is comparable to the full SSCC. SSCC was already reviewed to be extended by two more sub-committees in 2010 because of extension of remit to ATM/ADR. Review in 2012 will help determining if the SSCC still has the overall view, if the subgroups reflect a good representation of the domains, and if communication with those outside the group is sufficient, if there is a need for more "reaching out".

- The Pre-RIAs will be used as a tool for a first identification of the complexity and controversy of a task. SSCC requested to have at least RIA light for simple tasks. In fact, RIA are useful to look back years later and to understand how/why certain decisions were taken.

Agency took note of the feedback given.

Conclusion/Action:	N/A
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6. Feedback on implementation of EASA rules

- A general comment on the multitude of different implementations the Industry is confronted with, was made.

Agency noted that this was the reason this item was a permanent item on the agenda. Invited Members to report on things done differently from one Member State to another.

Conclusion/Action:	N/A
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7. Regulatory Roadmap

Information Paper 05: Presentation on the subject

A general comment was made on the fact that coordination between institutions/bodies was very much appreciated, to avoid delays which usually result from the lack of coordination between entities.

Conclusion/Action:	N/A
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8. AOB

- **Planning of Future meeting**

Information Paper 06: Future meetings calendar

Meeting dates for SSSC 1-2012 was changed from 15-16 May to 23-24 May 2012.

For the meeting dates for SSSC 2-2012 the 5-6 December 2012 were proposed and agreed.

- **Principles of communication via the SSCC mailing list**

This was clarified between the Agency and the Chair/sub-committee Chairs.

- **Presentation on Comitology following the Lisbon Treaty**

Information Paper 07: Presentation on the subject

The function and role of the EASA committee?

The EC explained that whereas the SSCC was a part of the Rulemaking Process at EASA, the EASA committee, which was made up of representatives from the Member States and the EC adopted the COM proposal. It was a fixed committee with a Membership and ToR.

- **Rulemaking and Cooperation with third country authorities** (was advanced to here at request of Agency staff)

There was a general comment on the lack of bilateral agreements for mutual recognition of maintenance organisations.

Agency mentioned that this issue had been raised at the last ICAO assembly. Legally, Regulation 2042/2003 does not include provisions allowing the Agency to derogate from its oversight obligations on foreign maintenance organisations by means of working arrangements, therefore no derogation is possible. Bilateral aviation safety agreements (BASA) are the appropriate legal instruments to allow mutual recognition. However, in the case of the US, no automatic mutual recognition between the Parties' maintenance organisations' approvals was provided for in the BASA. Nevertheless, when the transition period is completed (i.e. by May 2013), NAAs will conduct oversight activities on behalf of the FAA, for European maintenance organisations which hold an FAA approval.

A request was made to the Agency to ensure consistency between SESAR roadmap and Next Gen roadmap, both implementing GANIS. Stakeholders confronted with two different rule structures.

The Agency took note of this request.

- **Closing the Feedback loop between Rulemaking and Standardisation**

It was asked to clarify the "ex-post" evaluation, e.g. for Art, M and CS-E.

Art. 3(9) of the MB Decision 008/2007 sets out an "ex-post" evaluation for all rules. For now, the revisions of Part-M and CS-E served as "guinea pigs". Not clear if should proceed with "rule-by-rule" evaluation or by theme, which could bundle a certain number of rules. Advantage of evaluation by "theme" is that certain areas, such as "manufacturing" or "maintenance" effect the rules collectively and therefore coherence can be reached and links can be made.

- **Identify stakeholders who would be interested in SSCC/sub-SSCC activities**

This issue will be treated as art of the review of the SSCC planned for 2012 (see below point on review of SSCC). First feedback in January.

- **Stakeholder Survey (added to Agenda)**

The Agency had informed at the pre-meeting to the Sub-committee Chairs the that feedback on the stakeholder survey, which had been recently launched, would be given back in March 2012.

A query was made in respect of the possibility to forward the link of the survey also to others

than those who have sent at least 5 comments to one or more NPAs or 5 reactions to one or more CRDs.

The Agency answered that this would risk making the answers unbalanced. In total, the Agency has addressed 2000 organisations from all domains.

▪ **Chairmanship**

Since Martin Ambrose had resigned, it was decided to include this issue in the revision of the SSCC (see point below on review of SSCC) . Solutions range from having an “interim” Chair to asking the Vice-Chair to chair the meetings till the review process of SSCC is finalised.

▪ **Review of the SSCC (as discussed at the pre-meeting with the Sub-committee Chairs)**

The Agency noted that a review/steering group, consisting of a representative of each sub-committee, not necessarily the Chairs, would be needed. A meeting of this group would be organised in January 2012 to start the review, which needed to be finalised by the end of next year with a proposal for the future of the SSCC. The Agency illustrated that AGNA was planned to have in the future 4 subgroups: Airworthiness, OPS/FCL, ATM and ADR. This would enable the AGNA and SSCC subgroups to eventually meet by domain.

Conclusion/Action:	2-3-2011: Agency to request Subcommittee Chairs to nominate members for the review/steering group concerning the review of SSCC 2-4-2011: Agency to update SSCC after meeting of review group in January 2012
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Action list					
Action #	What	Who	When	Status	Comments
2-9-2009	Review the e-tool fee policy	Agency	ASAP	O	New “e-rules” work ongoing.
1-4-2010	contact AGNA Chair to organise a combined meeting between AGNA and SSCC	Chair		O	Will contact Chair to arrange common meeting.
2-5-2010	analyse and eventually outsource tasks of requesting inventory of implications of suborbital airplane	Agency		C	Action closed. All activities stopped.
2-7-2010	draft a report on review of Rulemaking Procedure and present outlines to SSCC	Agency		C	Action closed. On Agenda of SSCC 2-2011
1-1-2011	provide List of approved organisations	Agency	For next meeting's agenda	ΘC	Action closed. Was discussed at SSCC 2-2011.
1-2-2011	check and coordinate with MS for answer to SSCC on CDFA task.	Agency, MS	At next meeting	ΘC	Action closed. Was discussed at FS sub-committee.
1-3-2011	consider feedback from SSCC sub-committee when drafting final RMP	Agency	Before publication of	ΘC	Action closed. Final RMP published on website 14/09/2011

	2012-15.		RMP 2012-15		
1-4-2011	propose changes to Pre-RIA content/format.	Industry	Before next meeting	⊖C?	No comments have arrived. Action closed.
1-5-2011	encouraged to raise any issues faced.	Industry	Before next meeting	O	No new issues for feedback on implementation of EASA Rules. Open action as ongoing task.
1-6-2011	Sub-committees to identify stakeholders affected by EASA rules and who would be interested in being involved in the work in the future.	Sub-SSCCs	Before next meeting	⊖C	Action closed. On agenda of SSCC 2-2011. No feedback has arrived.
2-1-2011	update the action table at the end of these minutes	Agency	In the Minutes to SSCC 2-2011	C	Update has occurred
2-2-2011	update SSCC on how to link domains concerning Performance Based Navigation	Agency	Next meeting	O	
2-3-2011	request Subcommittee Chairs to nominate members for the review/steering group concerning the review of SSCC	Agency	ASAP	O	
2-4-2011	update SSCC after meeting of review group	Agency	in Jan/Feb 2012	O	

Next meeting:

The next meeting is arranged for 23-24 May 2011 in Cologne, Jugendherberge, Siegstr. 5 50679 Cologne (TBD)

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