



European Aviation Safety Agency

MINUTES OF MEETING

Subject SSCC Meeting 01-2012

Date 5 July 2012

Location Jugendherberge Koeln-Deutz

Organised by EASA

List of Participants

	SSCC Members	SSCC Observers
	Jean –Marc Billaud, ASD Phillippe De Gouttes, ASD Andrew Djurhuus, ERA Mehdi El Kouch, ECOGAS Michael Erb, IAOPA Catherine Gathier, ASD Michael Hickey, ELFAA Jorge Leite, AEA Thomas Leoff, EAAPS Roderick McGregor, CANSO Dick Meerman, ACI Paulo Monteiro, AIAB Erik Moyson, IACA Kris van der Plas, ECA Michel Rocca, CANSO Maciej Rodak, CANSO Rudolf Schuegraf, Europe Air Sports Liam Sisk, ASD Carlo Vergari, EIMG Roland Vermeiren, ESAM Bob Wilson, ASD Nikki Jones, ETF	Michael Sanders, ASD
		Experts or alternative attendees
Attendees		Fred Bruggeman, AEI Alexandre Bianchi, AIAB Jens Hennig, GAMA Frederic Liorzou, ETF Thomas Mayer, ERAC Peter Norton, EHA Terry McVennes, BCA Joe Sirico, AIA
Apologies	Philippe Ahrens, ACI Martin Alder, ECA Dominique Bouvier, IFATSEA Mark Chatterton, ASD Jon Harris, AEI Frank Kabuth, EAMTC	

Agenda 1-2012	
1	Welcome introduction
2	Adoption of the agenda
3	Adoption of the minutes of the previous meeting Review of action table Working paper 00: Minutes of meeting 2-2011
4	Election of the SSCC Chair IP 01 – Candidate list
5 Information	Reports from the Subcommittee Chairs ¹ The above items will be presented – presentations will be distributed as follow-up documents
6 Information	Performance Based Navigation IP 04 - PBN Rulemaking developments
7 Information/ Opinion	Review of the Rulemaking Process Review of the SSCC IP 05 – Review SSCC
8 Information/ Opinion	4-year Rulemaking Programme <ul style="list-style-type: none"> ▪ Information on the state of implementation of the 4-year Rulemaking Programme 2012-2015 Information paper 02: State of Implementation of the RMP 2013-16 <ul style="list-style-type: none"> ▪ Feedback and opinion on the priorities of the 4-year Rulemaking Programme 2013-2016 <ul style="list-style-type: none"> ▪ Recommendation from SSCC Members on tasks to be added, deleted, advanced or postponed Working Paper 01: Draft Rulemaking Programme 2013-2016
9 Information	Feedback on implementation of EASA rules²
10 Information	AOB <ul style="list-style-type: none"> ▪ Planning of future meetings Information paper 03: Future meetings <ul style="list-style-type: none"> ▪ Outcome of the stakeholder feedback survey

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. Welcome and introduction	
The Chair (vice-Chair Mr Dick Meerman) welcomed the participants and asked for a tour de table.	
Conclusion/Action:	N/A

2. Adoption of the Agenda	
The Agenda was adopted with no addition of agenda items.	
Conclusion/Action:	N/A

3. Adoption of meeting 2-2011 minutes + Review of action table	
<u>Working Paper 00: Minutes of SSCC 2-2011</u>	
The minutes were adopted without further comments. A small correction was made in the attendance list.	
It was requested that open action items be reviewed item per item during this agenda item. The open items were as follows:	
1-1-2011: provide List of Part 145 approved organisations. An update was provided under Agenda item 5, responses to E& M sub-committee. Action closed.	
5-1-2011: encouraged to raise any issues faced. The Agency explained that this was a continuous action item linked to the standard agenda "Feedback on implementation of EASA rules". Action closed.	
2-2-2011: update SSCC on how to link domains concerning Performance Based Navigation. This was presented and discussed under Agenda item 6. Action closed.	
2-3-2011: request Subcommittee Chairs to nominate members for the review/steering group concerning the review of SSCC. This was presented under Agenda item 7. Action closed.	
2-4-2011: update SSCC after meeting of review group. This was presented under Agenda item 7. An update on the work of the group will take place at next meeting. Action closed.	
[Post meeting note: the item 2-9-2009 (e-tool) has been put on hold until further notice. Action closed.]	
Conclusion/Action:	N/A

4. Election of the Chair of the SSCC	
<u>Information Paper 01 – Candidates SSCC Chair</u>	
The election procedure and the two candidates, Philippe de Gouttes and Erik Moyson were announced. Members and Alternates of those Members who had not yet voted electronically placed their votes in the ballot box. The votes were counted and the winner announced during the morning coffee break. The new Chair is Erik Moyson with a total of 25 votes from 37 votes. Philippe de Gouttes received 12 votes.	
Conclusion/Action:	N/A

5. Reports from the Sub-Committee Chairs	
<u>Presentations on the subject</u>	
The Sub-Committee Chairs briefly presented their reports of the previous day's meeting. 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.	

After the Sub-Committee reports were presented, the newly elected Chair received congratulations and took the seat to lead the meeting.

Agency responses to Sub-Committee reports

Before Agency responses, Jules Kneepkens, Rulemaking Director, apologised again for the postponement of the first SSCC meeting of the year to this date stating the reasons which were:

- Agency activity needed to be aligned with EASp
- Lots of tasks were linked, and it was necessary to highlight the interdependency of the regulation.
- Project management of rulemaking deliverables, alignment needed with new remits and numbers of tasks
- New possibility to outsource tasks after review of RM procedure adopted in March. Looking for Industry and NAA volunteers.
- Commission subsidy for EASA will stay flat although more work, Standardisation also affected.

Overall, this meant more time needed to finalise RMP. Nevertheless, now planning 1 ½ years ahead, which helps increase certainty.

Furthermore:

- Linking Agency RMP to that of FAA and TCA and identification of common priorities. Meeting will take place in September. In view of scarce resources, aim is to align programmes and reinforce harmonisation.
- Review of the SSCC

As concerns the last point above, it was important to point out that more and more domains are impacted by rules due to Agency remit extension but organisations at large were not always aware of the Agency consultative arrangements. It was important to link the industry comprehensively to the rulemaking work.

Two suggestions were made by Industry: either involve the sub-Committees more in review process or see at the end of the proposed meetings of Review Paper what the result was.

In ADR domain it was also pointed out in addition to the report that some RM task wordings did not seem consistent and should be reworded. The Agency invited that concrete formulations be suggested by the SSCC members. The Chair also mentioned that the RMP should include all tasks that are covered by Pre-RIAs or at least indicate what happened with the tasks having a Pre-RIA but not being part of the rulemaking programme. The Agency replied it would consider this request.

The answers session was as follows:

Responses to FS Sub-Committee

Concerning the two tasks recommended to be deleted (FCL.012/OPS.020/0306 Practical hypoxia training + OPS.061/0333 Flight crew training for go-around below DA/H), the Agency will forward the comments to the AGNA/RAG/TAGs to seek views of the Member States. If views identical, the tasks will be deleted from the RMP.

The order of FTL tasks has been an issue for quite some time. The Agency stated that Rulemaking groups were cooperating and subgroups would be created for EMS airplane and helicopter operations.

For the helicopter task on HV diagram (27&29.027/0132/0515), the Agency acknowledges that the Pre-RIA content differed from the plans for the current task. The Agency had further

reflections on this issue when drafting the ToR and considers that there might be other solutions worth to be explored during the rulemaking task.

The Recorder task for small aircraft (0271/0272) had ToRs in preparation and the Agency would take into account to better specify which aircraft type was to be regulated.

Concerning all weather operations, the Agency has included 2 tasks in the rulemaking programme: RMT.0381 HUD/EVS/SVS/CSV and RMT.0379 Alignment of IR, CS, AMC, GM to the state of the art for all weather operations. The related PRE-RIA is still under preparation. Those tasks combine several previous tasks on all-weather operations and address airworthiness, operations, pilot training, aerodromes and possibly approach procedure design. EASA is working together with the FAA in an ARC. The recommendations of this ARC will be used to feed these rulemaking tasks.

Regarding the Hungarian Legislation on exams for license holders, the Agency proposed to raise the issue with Member States.

As regards CS material related to datalink/surveillance (20.016/0559 Approval requirements for air-ground data link and surveillance systems), the Agency apologised for the delay in rule production. The main reason was a new approach introduced aiming at providing compliance also to the SES interoperability requirements. The SES surveillance rule only entered into force in December 2011. Work was now progressing and the NPA will shortly be circulated for internal consultation. Eurocontrol assists the Agency in preparing the NPA material. The Agency highlighted the challenge in providing consistent solutions between EASA and SES interoperability regulations and was doing its best to anticipate and prevent any overlap in rules, notably as regards the verification of compliance for airborne equipment. The Agency also pointed out that there were methods within the Agency to certify temporarily without CSs and that the data-link related NPA would be out in the summer. Everything following should go much quicker. When asked if the rule date could be adjusted, the Agency replied that this was not within their remit and that industry or Member States could make proposals through the Commission.

The Chair emphasized that proper EU-level coordination was needed between the institutions to meet the timelines. Many sectors would be affected by SESAR, and one should know exactly which implementing rules should be amended or developed. The Agency agreed that the situation would necessitate a planning at the Commission level to prevent regulatory uncertainties and overlaps. This is the aim of the ATM Regulatory Roadmap prepared by the Commission and presented both to SES and EASA Committees. The Agency believes that its existing regulatory system should be used, applying the Total System Approach. The Agency invited the Industry to contribute in shaping the necessary regulatory measures.

Responses to D&M Sub-Committee

In response to a query from a Member, the Agency agreed to check on the numbering of the Rulemaking task on replacement parts (RMT.0023 + .0568). The Agency explained these two tasks are related to the old task 21.046 - one is leading to an opinion and the other one to a decision.

To the importance of taking into account human factors, the Agency replied that this was recognised in the European Aviation Safety plan (EASp).

For MDM.056, a question was raised by the D&M subcommittee, the Agency replied that the report on the outcome of the work done with FAA and TCCA will be released after summer 2012, identifying common interests and the way forward.

Responses to E&M Sub-Committee

For "Failure to record defects and/or use MEL" the Agency is preparing a reply to the Association of Engineers how the MEL is used.

[Post meeting note: the reply has been sent.]

As regards the action item on the list of Part 145 organisations, which was not properly closed at last meeting, the reasons for not having published such a list so far were explained: For the EU based organisations, it was difficult to determine to what level of detail the data should be provided, not only the name of the organisation, but also scope of work. In addition, some NAAs were very reluctant to provide data or to keep it updated on such a list. Therefore the list would never be of use. The Agency was not responsible and could not force NAAs to update. Industry proposed an amendment to the rule as to the remit of the Agency to get information concerning the list. To this, the Agency replied that points of contact for approved organisations existed with some NAAs, and that the list of these focal points was available under the AGNA webpage on the Agency website.

Responses to ATM Sub-Committee

A need for further bilateral discussions between Industry and Agency on ATM interoperability issues was recognised. The sub-SSCC would welcome a discussion paper before the NPA on the RMT.0161 would be issued. The Agency reinforced the importance of the concept as regards ground systems/equipment.

It was pointed out that CIRCA notifications should contain a title and not only a number, to see immediately the subject of the text published

As to the remarks made by the Industry on the safety impact of human factors, the Agency confirmed that it was fully aware of the importance of the issue.

Responses to ADR Sub-Committee

There had been no questions.

Conclusion/Action:	<p>1-1-2012: Agency to indicate to SSCC what happened with the tasks having a Pre-RIA but not being part of the Rulemaking Programme.</p> <p>1-2-2012: Agency to raise the issue regarding the Hungarian Legislation on exams for license holders with Member States.</p> <p>1-3-2012: Agency to consider adding title and not only a number to CIRCA notifications so subject of the text published visible.</p>
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6. Agenda Item: Performance Based Navigation

Information Paper 04 – Performance Based Navigation Rulemaking

The Agency gave a presentation on the subject, and stated that in the Agency's view, PBN goes further than SES implementation. Last but not least, Means of Compliance would be ready on time.

Following discussion ensued after the presentation:

One of the Members recalled that a PBN implementation support team existed in Germany (last meeting in December 2011). The Agency confirmed a list of several national PBN implementation plans and wished that necessary harmonisation would be in place. The Rulemaking Director asked the meeting participants if they were in favour of dealing with this at European level, since many Member States had different ideas on how to proceed. A Member clarified that the ICAO resolution on the matter invites that each contracting State develops an implementation plan on PBN. This explained the large number of individual solutions. The Agency Rulemaking Director noted that the Agency's overall PBN approach was well received by the SSCC.

Conclusion/Action:	N/A
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7. Review of the Rulemaking Procedure

- Review of the Rulemaking Procedure

Presentation on the subject

The Agency provided the participants a presentation on the subject. Some questions were already raised during the presentation:

How would “technical consultation”, an element of the “toolbox”, be organised? The Agency replied this would be discussed within the Rulemaking groups. Workshops would be one possibility.

Would the revision (of the rulemaking procedure) be implemented in the existing process? The Agency confirmed, e.g. the Pre-RIA template has already been updated and is now under internal review.

The Chair asked if “written consultation” with advisory bodies would take place at the meeting or between meetings and how to ensure that SSCC is consulted continuously. The Agency said it would be between meetings and that the position would be asked from the Members and not the body as a whole. With regard to the concept paper between pre-RIA and ToR, the Agency said that it would consider an A-NPA if a full consultation is appropriate.

Furthermore, some Members asked how the selection for experts would be done at ToR level or in phase two during drafting and how long the groups intended to meet. To facilitate future nomination of experts by SSCC members, the Chair asked the Agency to provide an estimate of the number and duration of meetings at publication of the ToR. The Agency explained that the TOR contains information on resources and how often group would meet. The SSCC is consulted on TORs and the final decision on the experts would be the Agency’s. The aim was to optimise ToRs as much as possible to enable concrete and precise idea on who to invite.

Won’t quality suffer with pre-selection of experts, since there was a risk to have more comments at level of NPA and will the new process be implemented at once or will there be a pilot phase? The Agency pointed out that the selection of experts in ToR did not aim to make process faster, but to clarify which expertise was necessary. The evaluation of a possible efficiency gain will be done in due time. All in all, new tool box allows more flexibility, but at the same time there are more control mechanisms.

Could a better description of the task and sector affected be included, to have a better understanding of applicability? This is already done, with the help of tick boxes in the Pre-RIA to see which part of Industry is affected. The Agency will review the Pre-RIA to ensure that this info is accessible.

The SSCC supported on the whole also the concept paper, which would enable initial thoughts, proactive talks with Commission.

- Review of the SSCC:

Information Paper 05-Review SSCC

The Chair summarised the discussion as follows:

- General support of the review by participants noted
- There was a general interest to give more power to sub-committees
- Some open points:
 - Definition of sector?

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- - Status of Members: individual experts or representatives of organisations
- - Future number of Members/Observers in SSCC and Representatives in the sub-committees

Agency agreed to provide answer to these questions to allow consultation on IP05 by Chair and sub-committee Chairs.

The Agency proposed to create Working group between SSCC participants and EASA staff and to meet beginning September, and to finalise the review paper by end September. Conclusions would follow at a meeting on 5 October and a final proposal would be submitted to the SSCC 2-2012 in November. The Agency would send out invitations to interested persons for participation in group.

The Chair expressed some dissatisfaction for this process, as the SSCC was, in his opinion an independent body and the Agency should allow the SSCC to organise itself. He stated that the concern for representation in SSCC of all affected domains was understood but that participation at meetings was financed by organisations that have nominated the SSCC members. In response to the Chair, the Agency did not agree with SSCC "going solo", as the composition of the SSCC is defined by the ED and mandate for the review of the SSCC by the Agency came from the MB. This issue also concerned the Agency's future which insisted to find solutions for a balanced and reasonable representation of all interested parties in the work of the SSCC. The Agency also indicated that there were many calls of interest to join the SSCC from organisations not present today.

A list with an overview of the interested/potential organisations would be provided by the Agency. The Agency nevertheless asked the SSCC to review the list and to add those organisations missing also from their point of view.

For next steps, after consultation between Chair and sub-committee Chairs, it was envisaged to remain flexible for the review working group composition (SSCC Chair, sub-committee Chair +1 or 2) which would meet beginning September. In the morning, these should be a closed session for the SSCC (10-11 people), in the afternoon the working group could meet with EASA staff).

Conclusion/Action:	<p>1-4-2012: Agency to provide answer to questions raised on SSCC review in order to allow consultation on IP05 by Chair and sub-committee Chairs.</p> <p>1-5-2012: Agency to compile list of potential organisations (for participation in SSC) with help of SSCC.</p>
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8. 4-year Rulemaking Programme

- Information on the state of implementation of the 4-year Rulemaking Programme 2012-2015
Information Paper 2: State of Implementation of the 4 – year Rulemaking Programme 2012-15

A short presentation was given by the Agency.

Two tasks were inquired about:

MDM.075: task on specialised services which will start quite soon after defining ratings.

Task outsourced to UK CAA, whose expertise will be used but the Agency will control outcome.

MDM.082: task which deals with new teaching technologies in Part 66/Part 147 environment for licensing of engineers(distance learning, e-learning, simulators etc). ToR will be released in September 2012.

- Feedback and opinion on the priorities of the 4-year Rulemaking Programme 2013-2016
Working Papers 01.1 - 01.4

The feedback for this RMP can be found in the presentations of each sub-committee report.

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

The D&M sub-committee Chair held a presentation on "**Commission Regulation 1332/2011, ACAS II v7.1**"

There was a comment from the Agency:

The Agency took note of the presentation and of the lessons learnt and recognised that if appropriate feedback had been given it may have been able to incorporate it in the rule, however, for this case may have proven difficult to apply some general flexibility provisions in the rule. The use of the Article 14 provisions was new to NAAs which would have needed Agency guidance. Throughout the process the EASA committee was fully informed. It should be noted that this Article 14 cannot be applied to SES implementing rules. With respect to the dates in the rule this should not have been a surprise as there were those proposed in the CRD.

The Industry also pointed out a commonality with issue raised in FCL: Rulemaking does not anticipate, a flexibility clause should add subsequence. The Agency stated that the flexibility was given in Article 14, but any subsequent change to the implementing rule means confronting the legislator again.

A Member gave a positive example of a situation with respect of Article 14(4): crew harness restraint (4-point harness) on small Robinson helicopter and other legacy types

Another Member raised the fact that large numbers of stakeholders are affected. The Agency replied that for TCAS 7.1 stakeholders a special meeting was organised but only 4 Member States had been interested and much energy was spent to get everyone at same information level. For this task, will ask for focal points of Members States in the EASA committee.

The Chair raised a further feedback issue on SAFA: Many operators were still confronted with unjustified findings. Apparently there was a "secret" prioritisation list prepared by the Agency. Wet lease lessors may not be on this list, but have no insight. The Agency may not be part of the problem, but could be part of the solution.

The Chair gave feedback on ORO/ARO rules: When a wet lease takes place between Community operators, a safety audit is requested by some national authorities. EASA rules (ORO.AOC.110//ARO.OPS.110) rules should put a stop to this.

Lastly, a Member asked where to find AMC 20 rules. Agency explained that the Agency measures page contained a link to this. A new more user-friendly approach for presenting this material is currently being explored.

Conclusion/Action:	1-6-2012: Agency to ask for focal points from Member States in EASA committee for ACAS II v. 7.1.
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10. AOB

- Planning of future meetings
Information Paper 3: Future Meetings

After explaining the conflicting situation with a meeting and a workshop also taking place on 28-29 November, it was agreed to move the SSCC 2-2012 meeting dates to 11-12 December 2012.

The Agency explained the reasons for postponing the first SSCC meeting usually taking place end of May to the end of June: It was a challenge to get the Rulemaking Programme done by May. A weekly planning has been out in place and this cannot be accelerated. The Agency agreed to set a new meeting date first week of June.

Written consultation for meeting date in June 2013 will be launched together with milestones for production of the RMP

- Outcome of the stakeholder feedback survey

Presentation on the subject

A presentation was given by the Agency, which mentioned intention to launch such a survey each year and to add new elements for focussed feedback from specific areas.

The Agency suggested to put the question as to whom to invite to answer survey on the Agenda of next meeting.

A Member pointed out that it would be quite interesting to know how many SSCC participants actually gave feedback to their organisations.

- The Chair requested briefing for SSCC on subjects where AGNA was informed, e.g. Task 26.008 (Production cut-in and retrofit of fuel tank flammability reduction means of already certificated large aeroplanes), where a draft TOR was presented to AGNA but not to SSCC. The Agency replied it would check this.
- Lastly, a Member was of the opinion that Working papers were arriving too late before the meeting to be able to consult internally in Organisation. Agency took note.

Conclusion/Action:	<p>1-7-2012: Industry and Agency to discuss at next meeting the stakeholder survey participants.</p> <p>1-8-2012: Agency to check instances where AGNA informed but not SSCC, e.g. ToR of task 26.008.</p> <p>1-9-2012: Agency to find new date for SSCC 1-2013 meeting early June 2013.</p>
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Action list					
Action #	What	Who	When	Status	Comments
2-9-2009	Review the e-tool fee policy	Agency	ASAP	C	E-rules" work ongoing.
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.
2-2-2011	update SSCC on how to link domains concerning Performance Based Navigation	Agency	Next meeting	C	On agenda of SSCC 1-2012
2-3-2011	request Subcommittee	Agency	ASAP	C	On agenda of SSCC 1-

WP00 – Final Minutes of Meeting SSCC 01-2012 as adopted on 12 12 2012

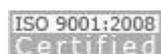
	Chairs to nominate members for the review/steering group concerning the review of SSCC				2012
2-4-2011	update SSCC after meeting of review group	Agency	in Jan/Feb 2012	C	On agenda of SSCC 1-2012 and will also be on agenda of SSCC 2-2012
1-1-2012	indicate to SSCC what happened with the tasks having a Pre-RIA but not being part of the Rulemaking Programme	Agency	ASAP	O	
1-2-2012	raise the issue regarding the Hungarian Legislation on exams for license holders with Member States.	Agency/MS	ASAP	O	
1-3-2012	consider to add title and not only a number to CIRCA notifications so subject of the text published visible	Agency	ASAP	O	
1-4-2012	provide answer to questions raised on SSCC review in order to allow consultation on IP05 by Chair and sub-committee Chairs.	Agency	By mid-August 2012	O	
1-5-2012	compile list of potential organisations (for participation in SSCC) with help of SSCC	Agency, Industry	By next meeting	O	
1-6-2012	ask for focal points from Member States in EASA committee for ACAS II v. 7.1.	Agency	ASAP	O	
1-7-2012	discuss at next meeting the stakeholder survey participants.	Agency, Industry	At next meeting		
1-8-2012	check instances where AGNA informed but not SSCC, e.g. ToR of task 26.008.	Agency	By next meeting	O	
1-9-2012	find new date for SSCC 1-2013 meeting early June 2013.	Agency	ASAP	O	

Next meeting:

The next meeting is arranged for 11-12 December 2012 in Cologne, location

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