

European Aviation Safety Agency

SAFETY STANDARDS CONSULTATIVE COMMITTEE

19.05.2004 – MINUTES

Agenda

There being no comments on the agenda, it was adopted by the Committee.

Minutes of meeting 01-2004

A correction was made to the minutes of the previous meeting to reflect the fact that the revised 2004 programme was not attached to the minutes but had been posted separately on the CIRCA extranet. There being no other amendments the minutes were adopted subject to this correction.

Action required:

1. Agency – amend and publish minutes on CIRCA site

Adoption of SSCC operating procedures and terms of reference

The Agency presented its response to the comments received from the SSCC on the SSCC terms of reference and operating procedures. There was an ensuing debate on a number of issues, including:

- To what extent Members are nominated in a personal capacity rather than as representatives of certain organisations
- The relationship between the SSCC and EASA in general (e.g. need for greater interaction at a more technical level between the Committee and the Agency)
- Visibility of SSCC actions and to what extent the Committee should rely upon EASA infrastructure to provide it with visibility
- Relations between the SSCC and ABIP
- The possibility of requesting the Management Board to amend the terms of reference of the SSCC set out in the rulemaking procedure if necessary

Given the range of opinions expressed and the need for the Committee to come to a common view on its role, it was agreed that a discussion and working group be established to explore the issue further. Furthermore the Committee expressed its hope that the Executive Director would be able to attend the next meeting given the importance of the issues at stake.

Meanwhile the Chairman undertook to review the rules and procedures of the Committee taking into account the suggestions made. The Agency reminded Members that that pending any revision of its terms of reference, the Committee should try and discharge its role as foreseen by the EASA rulemaking procedure adopted by the Management Board.

Action required:

2. The Chair will review the rules and procedures of the SSCC with a view to their finalisation.
3. Establish newsgroup on CIRCA site

4. Nominations sought on composition of working group on SSCC role

2004 rulemaking programme/rulemaking pipeline 2005-2007

The Committee noted that the Executive Director had adopted the 2004 rulemaking programme and expressed its dissatisfaction with the response to the SSCC's request to transfer actions from the advance planning 2005/2007 to the 2004 programme. The Agency responded that all suggestions made by the SSCC during its first meeting had been incorporated in the rulemaking programme. As for the transfer of some actions of the advance planning to the rulemaking programme, there seems to be some misunderstanding on the objective of the rulemaking programme. This document contains only actions that could/should be finalised in 2004, while the advance planning indicates actions that could be done in the future, including, as appropriate, the need to create a group in 2004 to execute the task. As none of the tasks suggested by the SSCC in its table 1 could be finalised in 2004, they appear in the advance planning with a starting date as early as possible, taking into account the resources of the Agency. If SSCC members consider that any of these actions can be finalised in 2004, the Agency would reconsider its position.

A discussion on the intent and content of the advance planning ensued. It was agreed that in the future, to help better planning of resources of the industry and bring more clarity on the timing of action, two columns will be added to indicate milestones in their execution.

The SSCC also expressed concerns, as during its first meeting, on the quality of the description, justification and comments in the programme and the advance planning. The Agency agreed to improve the presentation of these documents and invited all to do the same.

Action required:

5. Members are invited to indicate in writing to the Agency, which actions in the advance planning could/should be finalised in 2004.
6. The Agency will improve the quality of the presentation of rulemaking programme and advance planning including additional information on the timing of action.

Discussion of SSCC role

The Committee enjoyed a presentation given by Wolfgang Engler comparing the interaction between EASA and interested parties with that of the JAA and FAA. It was agreed that the presentation would provide useful input into the broader debate on the SSCC's role (see previous item). A range of opinions were expressed relating to the merits of the previous JAA system and new opportunities for interaction with interested parties. The important issue of EU-US harmonisation was also raised. The Agency insisted on the need to learn to work together within the new context before hasty conclusions are drawn on the need to rebuild the JAA system.

Adoption of opinion on rules of procedure for rulemaking groups

The Committee thanked the Agency for the working papers on procedures and composition of rulemaking groups but due to a lack of time this issue was not discussed in depth.

Action required:

7. Members to forward final written comments on the issue to the Agency before the end of May.

Regulatory impact assessment methodology

The Committee welcomed the Agency's revised working paper and held a brief discussion on the issue. The main points raised were as follows:

- A clarification was requested as to exactly what is meant by 'self-regulation' and how this might work in practice.
- The importance of a thorough and segmented assessment of impacts was reiterated as part of the RIA process.
- Clarification was sought on the issue of the impact on organisations. It is possible that only one or two firms in Europe may be affected by a rule, but that the associated impact may be very large. It is important that the paper properly reflects the need for the Agency to treat such an impact as equally significant as a smaller impact on a larger number of firms.

The Agency recalled that this document was an explanatory memorandum and not a learning tool for those charged with carrying out RIAs. It is a description of what the deliverable should contain. This explains why "self-regulation" is not described there. It is the work of the Agency to envisage on a case-by-case basis, what other options to regulation exist. This cannot be done in advance.

As to the question of identifying the affected parties in sufficient detail, this is already clearly required in the current document. Moreover, as the RIA shall be part of any NPA, the Agency will be obliged to examine all comments and to adapt its final decision if its initial analysis proves inconclusive or imprecise.

Presentation of ToRs for first batch of rulemaking tasks

The Committee noted the publication by the Agency of draft terms of reference for the rulemaking groups. It was agreed that a three week comment period be provided to SSCC following publication of ToRs on the CIRCA web site.

Action required:

8. Members to forward final written comments on those ToRs currently posted to the Agency before 19 June.

Part M regulatory impact assessment

The Agency gave an update briefing on this project, which was welcomed by the Committee.

ETSOs – European approvals for parts and appliances

The Committee thanked the Agency for this working paper but due to a lack of time this issue was not discussed in depth.

Action required:

9. Members to forward written comments on the issue to the Agency before the end of May.

AD distribution policy

The Chair made a presentation to the Committee on a possible future AD distribution system in Europe and stressed the vital importance for a properly-functioning system for the sake of aviation safety in Europe. The view of the Committee was that technical legal issues surrounding the respective roles of NAAs and EASA in AD distribution should not be obstacles to such a system.

The Agency responded by informing the Committee that the issue was being discussed further by the EASA Management Board and that a policy would be defined in the near future if NAAs agree to ask the Agency to execute certain tasks of the States of registry, which, under the EASA Regulation belong to Member States.

Approvals numbering system

The issue of the new organisation numbering system was discussed by the Committee. Certain members emphasised the burden for interested parties of complying with the new system, in terms of amending stationery, manuals and so on. The Committee as a whole encouraged the Agency to assist with the transition to the new system by allowing a cross-referencing system allowing the use of national numbers to continue for a defined period.

The Agency informed the Committee that it would be investigating the impact of the new system further and would keep members informed of its actions on this issue.

Outline timetable for next SSCC meetings 2004/2005

The programme for forthcoming meetings presented to the Committee was approved. The dates of the next meetings are Thursday 2 September 2004, Wednesday 17 November 2004 and Thursday 24 February 2005.

Any other business

- Part 66.A.45(c) engineering training validity periods
(This action will be included in the 2005 programme)
- CS23 certification rules for diesel engines
(This action is already included in the 2005-2007 pipeline)
- AEI letter to the Commissioner

Mr Bruggeman explained the nature of his demarche, which is linked to the role and structure of the SSCC. This point of view will be duly considered by the working party on the role of the SSCC.

- Approval of organisations for the production of Nav databases

The Agency indicated that an NPA had already been published to address this point. In view of the urgency underlined by all parties, the procedure has been significantly accelerated. However, preliminary examination of the issue indicates major difficulties in finalising the work as there seems to be no legal basis for the Community to act in this domain on the basis of the EASA Regulation. If that were confirmed, the solution would be for Member States to act if they have the powers to do so, or to consider some form of self-regulation to be discussed with the industry and our foreign partners.

List of participants

Martin AMBROSE

Fred BRUGGEMAN

Jean-Michel BIDOT

Pier Giorgio COLOMBO

Inger-Helene ENGER

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Peter FEIND

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