



Terms of Reference

for a rulemaking task

Revision of the European operational rules for balloons

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Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 965/2012; Decision 2014/015/R (Part-CAT); Decision 2014/016/R (Part-NCO); Decision 2014/017/R (Part-ORO); Decision 2014/018/R (Part-SPO)	Concept Paper:	No
Affected stakeholders:	Operators; competent authorities	Rulemaking group:	No, but expert group
Driver/origin:	Efficiency/proportionality	RIA type:	Light
Reference:	Regulation (EC) No 216/2008	Technical consultation during NPA drafting:	N/A
		Publication date of the NPA:	N/A
		Duration of NPA consultation:	N/A
		Review group:	N/A
		Focussed consultation (workshop):	2015/Q4
		Publication date of the Opinion:	2016/Q1
		Publication date of the Decision:	2017/Q1



1. Issue and reasoning for regulatory change

The major goal of the European Aviation Safety Agency's General Aviation (GA) road map is to work towards simpler, 'lighter' and better rules for General Aviation. The air operations regulatory framework for balloons was chosen as one project in the context of the GA road map.

2. Objectives

The general objectives of the European Union in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008 (the Basic Regulation). The specific objective of the present rulemaking task is to establish a simpler and better air operations regulatory framework for balloons.

3. Activities

During the development of the draft rules and the impact assessment, the following activities shall be considered:

1. to review the present balloons rule structure as laid down in Commission Regulation (EU) No 965/2012;
2. to improve the clarity of the rule structure;
3. to investigate those parts of the rules which can be simplified;
4. to take into account the input received from the balloons community on targeted improvements;
5. to review the 'line' between Implementing Rules (IRs) on the one hand, and Acceptable Means of Compliance (AMC) and Guidance Material (GM) on the other hand;
6. to consider switching from prescriptive to performance-based rulemaking, as appropriate;
7. to modify the rules taking into account the above-mentioned activities No 2 to 6.

4. Deliverables

Due to the tight time frame, and by derogating from the Agency's Rulemaking Procedure, no Notice of Proposed Amendment (NPA) and, consequently, no Comment-Response Document (CRD) will be issued. The planned deliverables of this rulemaking task are the following:

1. An Opinion containing a proposal for:
 - a new regulation on balloons containing a cover regulation and an annex with air operations Implementing Rules;
 - an amendment to Commission Regulation (EU) No 965/2012 with the appropriate modifications and deletions as regards the Implementing Rules for balloons (Part-ORO, Part-CAT, Part-NCO, and Part-SPO);
2. Decisions containing:
 - the associated AMC/GM to the new regulation;
 - the appropriate modifications and deletions as regards the AMC/GM for balloons related to Commission Regulation (EU) No 965/2012 (Part-ORO, Part-CAT, Part-NCO, and Part-SPO).



5. Focussed consultation

For the present rulemaking task, a public workshop with stakeholders and National Aviation Authorities (NAAs) is envisaged where the draft Implementing Rules (Opinion) and the draft AMC/GM (Decisions) shall be discussed. Since no NPA will be issued, this workshop shall serve as an alternative method to consult widely with interested parties on the envisaged air operations regulatory framework for balloons.

6. Profile and contribution of the expert group

Due to the tight time frame, and due to the fact that no NPA will be issued, no formal rulemaking group (as described in the Agency's Rulemaking Procedure) will be established. Instead, on a less formal basis, an expert group will work on the present rulemaking task. This expert group shall comprise representatives from:

- operators;
- competent authorities; and
- manufacturers.

The expertise and experience of the group's experts shall cover:

- the operation of balloons;
- the competent authority oversight of balloon operators; and
- in-depth knowledge of the air operations regulatory framework for balloons.



7. Annex I: Reference documents

7.1. Affected regulations

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

7.2. Affected decisions

Decision 2014/015/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-CAT of Regulation (EU) No 965/2012 and repealing Decision 2012/018/R of the Executive Director of the Agency of 24 October 2012

Decision 2014/016/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-NCO of Regulation (EU) No 965/2012 and repealing Decision 2013/022/R of the Executive Director of the Agency of 23 August 2013

Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012

Decision 2014/018/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-SPO of Regulation (EU) No 965/2012

All the above Decisions are available at <http://easa.europa.eu/agency-measures/agency-decisions.php>.

7.3. Reference documents

Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1)

