



EASA

European Aviation Safety Agency

Update on EASA new Basic Regulation – AD situation

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Proposal for a new EASA Basic Regulation

- On 7 December 2015, the Commission adopted the proposal **COM(2015) 613** for the revision of EASA Basic Regulation (EC) No 216/2008
- The proposal will now be further processed by the EU Legislator, i.e. EU Member States (Council) and the European Parliament
- Adoption of the new Regulation expected 2018, depending on the progress of negotiations



Background & EASA involvement

- Early 2014: *“Commission policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008”*
- EASA supported the Commission initiative by:
 - Publication of an **“Agency Opinion” (01/2015)** in March 2015
 - Providing technical expertise for:
 - Impact Assessment
 - Legal text drafting



Objectives of the revision

- To adapt the EU regulatory system to new challenges
- To improve the efficiency, proportionality and flexibility of the system:
 - Performance based approach
 - Risk based oversight
- To optimise the use of available resources at EU level



Main elements of the proposal

- **Joint Oversight and Enforcement System**
- Clear legal mandate for the “*European Plan for Aviation Safety*”
- Legal basis for a “**State Aircraft**” opt-in possibility for MS
- Reinforced role for the Agency in the **REACH** process;
- Stronger & systematic EASA involvement in **EU crisis management**
- Coordination and Programme role for **Research & Development**
- Extension of EASA scope to **RPAS**
- **Security:** confirm national responsibilities and streamline EU activities



AD – legal basis in revision proposal

- Art. 65(6) („Agency measures“):
 - General competence for EASA to react „*without undue delay to an urgent safety problem within the scope of this Regulation by determining corrective action (...) and by disseminating related information (...)*“
 - for non-airworthiness related matters
- Art. 66(1)(i) („Airworthiness & env. Certification“):
 - Specific competence to „*ensure the continuing airworthiness functions (...), including reacting without undue delay to a safety or security problem and issuing and disseminating the applicable mandatory information;*“
 - including OSD



AD – legal basis in revision proposal (cont.)

- Article 76.3 („Aviation Security“):
 - *„To protect civil aviation against acts of unlawful interference, the Agency may take the necessary measures under Article 65(6) and Article 66(1)(i). Before taking such measures, the Agency shall obtain the agreement of the Commission and consult the Member States.“*
- Article 59 („Safeguard provisions“) gives Member States the right to react immediately to a safety problem under certain conditions

In summary, the existing legal framework, concept and process for EASA Airworthiness Directives remains as it is today, with the exception of a limited extension to security relevant matters



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