

European Aviation Safety Agency

SAFETY STANDARDS CONSULTATIVE COMMITTEE

02.09.2004 – MINUTES OF 3RD MEETING

Agenda

In response to the Agency's request, one point on "SSCC webpage" under AOB was added to the agenda. There being no further comment, the agenda, as modified, was adopted.

Minutes of second SSCC meeting – WP 00

To increase visibility on the follow-up of the actions, SSCC members suggested adding a table with the task description, who has to perform it, the due date and the status. There being no further remarks the minutes were adopted.

Action required:

1. Agency – add table and publish minutes on CIRCA site

2004 Rulemaking programme - WP 01 & 01a

The Agency explained that WP01 was modified after the remarks made by SSCC, at the last two meetings, by refining the description and justification columns and incorporating two new columns that provide additional information on the degree of implementation for each task. It was stated that two new tasks have been added to this year's programme for which the Committee views are sought.

- The first task on "UAV: Un-inhabited aerial vehicle" responds to AGNA request to regulate UAVs above 150 kg used for commercial purposes but excluding, at this moment, any operational issue since the Agency has no competence in this field. The Agency proposed to use existing JAA material on this subject to produce an A-NPA in 2004 and, following the responses received, to define a policy on the establishment of the certification basis for such aircraft. Such task would not require many resources. SSCC members agreed to this addition.

- The second task on "Opt-out possibility for EASA" emerged from the implementation of Agency activities. The intention is to produce a draft opinion to rectify article 7 of Regulation (EC) n° 2042/2003 in order to allow the Agency to make use of the opt-out provisions of this article. The whole process, including the amendment of IR, should be completed before 28 November 2004. This would put foreign organisations on a **par** with the European ones.

Then, there was an ensuing debate on a number of issues related to the implementation of the 2004 Rulemaking programme:

- The overall progress achieved;
- What would happen if tasks can't be completed in 2004;

The Agency pointed out that current staff levels are limited but this is balanced by the fact that most of the 2004 tasks are about finalising work nearly finished in the JAA context but not introduced in the EASA rules adopted last year. Moreover, the Agency can use the service contract with JAA for hiring external experts to provide support. Lastly, it was said that those tasks not finalised in 2004 would move to the

2005 Rulemaking programme. It is however too early to be pessimistic as there is still hope that the work can be carried out as planned.

The Agency concluded by an update presentation on the progress achieved so far.

- To date, most of the ToRs have been published and the groups tasked;
- In overall, the Agency carried out ~50% of its yearly rulemaking activity;

In response to a SSCC request, the Agency agreed to provide a table summarising the state of implementation of the different tasks. Finally, the Agency welcomed suggestions from SSCC members on prioritisation of 2004 tasks.

Actions required:

2. Agency to provide a summary table on the state of implementation of the 2004 rulemaking tasks.
3. SSCC to suggest prioritisation of 2004 tasks

2005 Rulemaking programme - WP 02 & WP02a & WP02b and 2006/2008 Advance planning - WP 03 & WP03a

The Chair explained that it worked on defining categories of tasks to which the SSCC would bring more or less attention. The result of this work is summarised in WP02b on which the views of SSCC members are invited.

With regard WP02a&03a, the Agency emphasized that this paper had been drafted to initiate the debate within AGNA/SSCC on a possible redefinition of rulemaking priorities for the coming years. It tries to point out that the traditional JAA approach in drafting rules is different from the EASA regulatory system and that this had to be balanced with the available Agency resources. In this respect, SSCC members were invited to contribute by providing their views on future priorities.

The ensuing debate showed different views on the way to approach the question of priorities. The Agency paper aims at streamlining and slimming the Rulemaking programme to take into account the new institutional framework, including the possibility to rely in the future on industry standards rather than Agency rules. That of the Chair aimed at categorising the tasks which the SSCC considers as important and in the elaboration of which it intends to play a direct role. Moreover, the classification suggested by the Chair was not supported by some members. In conclusion it was agreed to come back to this question on a revised document established by the Chair. On its side the Agency will consider a contribution to the systematic categorisation process to be used in the future.

The 2005 Rulemaking programme was then discussed. The Agency explained the principles underpinning the establishment of WP02 that is based on the extraction of all tasks from the advance planning for which the deliverable (opinion, CS or AMC) can be completed in the course of 2005. In view of the magnitude of this programme it invited the SSCC to assist in limiting its scope to what is really considered essential by the industry. Finally, it stressed that the 2005 Rulemaking programme forms part of the Agency 2005 work programme and, in view of next week Management Board meeting, SSCC members observations were welcomed in order to finalise the draft paper before the venue.

One member raised the issue of reintroduction of subpart JB DOA in 2005 Rulemaking programme. The Agency responded that it is not part of the programme because the deliverable is scheduled to be completed in 2006 and, therefore, it has been included in the advance planning 2006/2008 as task 21.024. The SSCC agreed with this approach.

Another member queried the co-operation with ICAO and whether the Agency will take into account the revision of Annex 6 and 8 to the Chicago Convention. The Agency indicated that the Basic Regulation obliges the Agency to ensure consistency with ICAO activities. It is however its intention to evaluate, on a case-by-case basis, whether the new ICAO requirements comply with the Community objectives and policies. So, there needs to be some flexibility in the conversion of new ICAO requirement into EU rules.

One member indicated the need to provide for “aircraft electronic drawings” to be allowed in application files. The Certification Director noted the concerns of SSCC on this matter and responded that they are in close contact with the FAA to resolve this issue. This may not require a rulemaking action.

Finally, the Committee gave a positive opinion to the 2005 Rulemaking programme and invited members to submit possible suggestions with regard to priorities. The Agency thanked the Committee and agreed that the 2005 Rulemaking programme may be reconsidered in view of priorities suggested by the Committee.

With regard the 2006/2008 Advance planning (WP03), the Agency explained that this paper was circulated for informative purposes and that SSCC should consider this as a tool for planning industry resources.

The Chair recommended to add following topic “industry norms & standards” as a possible agenda item for future SSCC meeting.

Action required:

4. Members are invited to suggest prioritisation of the 2005 Rulemaking programme
5. SSCC Chair to provide new document on rulemaking priorities/categorisation
6. SSCC to define target date for discussion of the “industry norms & standards” item

Composition of rulemaking groups - WP04a & WP04b

The Agency presented the two papers in subject, the second being the revision of the first in the light of the AGNA comments.

Emphasis was put on the following issues:

- AGNA insists that preference be given to NAAs experts over industry ones. To avoid polemics, the 2nd paragraph of point II of WP04a was modified to reflect the text of the EASA Regulation.

“... to draw upon technical expertise available among national authorities and, where necessary, interested parties,..”

- The Agency has to discuss the issue of possible re-imburement of the cost of experts participating in drafting groups at the next MB meeting;

- The internal decision making process of the SSCC and AGNA for nominating experts shall be introduced in the rules of procedure rather than in an Agency procedure;

One member questioned what the trigger was for providing comments to the Agency on ToRs and what exactly the consultation period for the nomination of experts was: 6 or 3 weeks. For the sake of clarification, the Agency agreed to add a new column indicating the “due date for comments” in the “List of ToR” document. It also clarified that the period for nominating experts is 6 weeks, including 3 for application of members and 3 for a collective decision.

Another member suggested creating a common pool of experts that may contribute to the drafting of rules. The Agency stated that it would prefer persons to be proposed on a task basis to receiving a list with possible candidates. The Committee agreed to proceed both ways. It will compile a core list of potential nominees to be confirmed and completed on a case-by-case basis when the Agency seeks nominations. In this respect, SSCC members were invited to send their contribution to Mr. S. Turton.

The SSCC expressed disagreement with the AGNA view that national experts should have precedence on industry ones and hope that the Agency will base its decisions on objective criteria so that the right expertise is included in the drafting groups.

As long as a similar approach is used for both Consultative bodies, the SSCC members would not object to the Agency proposal, except for reference to the curriculum vitae which SSCC suggested to remove.

The Committee agreed to set up a procedure to nominate experts along the lines proposed by the Agency.

Action required:

7. SSCC to establish procedure for the nomination of experts
8. SSCC to compile a core list of potential nominees. Members send their proposal to Mr. Turton

Part M regulatory impact assessment on non commercial operations

The Agency briefed SSCC members that four companies submitted their application but only two submissions were considered as complete and were evaluated according to the selection criteria set out in the call. The consortium selected is Air Eurosafe. Work will start on 17 September 2004 and one of the first to agree on the interaction between the contractor and NAAs/industry. The contractor is required to collect and analyse a representative sample of existing national regulations on this subject and make a proposal to the Agency for possible changes of Part M. The Agency expects the work to be completed by mid February 2005 so that it can issue, as appropriate, an opinion to modify Part M in due time.

The Agency invited SSCC members to make suggestions with regard the interface between industry and the selected consultant.

Action required:

9. SSCC to advise on the interface process with the consultant

ETSOs (increased flexibility issue) – WP05

The Agency recalled that “National TSOs” are not grandfathered by Commission Regulation (EC) n° 1702/2003. There is therefore need to examine the possibility to maintain acquired rights of some manufacturers by converting some “National TSOs” into ETSOs, if they are still used and do not duplicate with existing ETSOs. The Agency has in this respect drafted the attached table using the inputs from UK-CAA and DGAC-FR. Due to late submission, a Swedish contribution was not incorporated in the table. It explained that AGNA members agreed to submit detailed specifications, in English, of their “National TSOs” to allow the Agency to proceed with an accelerated rulemaking process.

One SSCC member pointed out that different TSOs exist in Europe for similar equipment and suggested to harmonise competing TSOs. The Agency agreed to compare those TSOs and to harmonise wherever possible.

The Committee supported the continued use and maintenance of ETSO system in a harmonised way with FAA and, although this is a long term goal, advised the Agency to look ahead with a view to have one ETSO for each part and appliance.

Action required:

10. The Agency will circulate to SSCC latest info on National TSOs received from AGNA
11. Subsequently, SSCC will analyse and provide feedback on the need of certain specifications

SSCC operating procedures and terms of reference

The Committee enjoyed a presentation given by Martin Ambrose providing the state of play on the progress achieved so far by the relevant SSCC taskforce. It was agreed that the report of the taskforce should be provided in due time to allow an informed discussion during the SSCC November meeting.

Any other business

- Approval of material suppliers – WP06

After discussion of this paper the Committee concluded that it is inappropriate to certify material manufacturers because it will be duplication of work as Production organisations are liable for using appropriate material as specified in the design.

- Approval of organisations for the production of Nav Databases – WP07

The Agency explained that although anticipating on the result of NPA 3/2004 consultation process, WP06 was drawn up to tackle the issue related to the absence of a legal basis to act in this domain. Possible solutions could be either for Member States to act on basis of their National laws or for the industry to establish some form of self-regulation. As the latter option probably cannot be implemented in the short time frame for the introduction of RNAV, the Agency could give a hand to implement it on a provisional basis. To do so, the Agency would:

- Finalise a standard on the basis of the work done by the JAA;

- Set-up an assessment team to verify compliance of the European Databases suppliers;
- In case of compliance, issue a “letter of comfort” that would have to be accepted by National Administrations when issuing their operational approvals;

Following this clarification, the Committee agreed with the suggested process.

- Report on Part 145 Workshop

The Agency provided an update of the workshop results and FAQ will be posted on the Agency’s website in autumn of this year. The Committee thanked the Agency and said that no real controversial issues were raised, except the US export licenses.

- Priorities for new Workshops

The Committee indicated that besides issues linked with implementation of Part 66, there is no further need for training or guidance by the Agency in the form of workshop.

Lastly, SSCC emphasized that the Agency is responsible for DOA organisations. The Agency took note and said that the harmonisation will, inter alia, take place through the “standardisation” function. If considered useful by industry, a workshop can be organised.

Action required:

12. The Agency organise a meeting on Part 66 in 2005

- State of play on OPS&FCL

The Agency provided an update on OPS & FCL consultation process. It is now drafting its Comment Response Document, incorporating revised essential requirements, in the light of the ~1600 comments received. It expects to publish this CRD by the end of September and to adopt its final opinion by the beginning of December.

One member considered it necessary for the SSCC to adopt an opinion on such an important subject and offered to draft a paper based on the Agency CRD as a basis for discussion in November.

Action required:

13. SSCC will consider the possibility to adopt a position paper according to the Agency suggestions on the extension of EASA Regulation for air operations and flight crew licensing

- Report on organisation approval numbering meeting – IN01

The Agency updated members on the outcome of the meeting in subject. It appeared that for most of the organisations involved, except for few design organisations for which arrangements have been made with the Agency’s Certification Directorate, there is no problem provided they receive the “new number” on time and agreed that the Agency make wide publicity about this change.

- AD distribution policy

The Chair recalled that for the sake of aviation safety there should be only one reliable and easily accessible system in Europe. The Agency supported this request and reiterated that the issue will be raised again at the next Management Board meeting for their consideration and decision. When doing so, legal constraints have to be taken into consideration such as responsibilities of the State of registry and the language in which the ADs are to be published.

- RG webpage

Responding to the Committee, the Agency gave a brief presentation of options for posting SSCC documents on the Agency website. It was agreed to set up a small task force to debate and propose a way forward at the November meeting.

Action required:

14. A. Tziolas and S. Turton to discuss and make a proposal during the November meeting

Date of next meeting

The next meeting will be held on Wednesday 17 November 2004 at 10.00 at EASA HQ in Cologne.

Actions table

Action #	What	Who	When	Status
2-2	Review rules and procedures of the SSCC with a view to their finalisation	Chair		O
3-1	Add action table and publish minutes on CIRCA site	Secretary	Asap	O
3-2	Agency to provide in writing a synthetic table on the state of implementation of 2004 rulemaking tasks	Agency	Asap	O
3-3	SSCC to suggest prioritisation of 2004 tasks	SSCC	Asap	O
3-4	SSCC invited to suggest prioritization of the 2005 Rulemaking G programme	SSCC		~
3-5	SSCC Chair to provide new document on Rulemaking priorities/categorisation	SSCC	next meeting	O
3-6	SSCC define target date discussion "industry & norms" issue	SSCC	next meeting	O
3-7	SSCC establish procedure for nomination of experts	SSCC	next meeting	O
3-8	SSCC to compile a core list of potential nominees. Members send their proposal to Mr. Turton	SSCC		~
3-9	SSCC advice on the industry interface with the consultant	SSCC	Asap	O
3-10	Agency circulate to SSCC latest on National TSOs received from AGNA	Agency		O
3-11	SSCC will analyse and provide feedback on the need of certain specifications	SSCC		O
3-12	Agency organise a meeting on Part 66 issue in 2005	Agency		O
3-13	SSCC will consider the possibility to adopt a position paper on the Agency suggestions on the extension of EASA Regulation for OPS & FCL	SSCC	Nov	O
3-14	Set-up task force for creation of SSCC webpage		next meeting	O

List of participants meeting 02-09-2004

Martin AMBROSE

Fred BRUGGEMAN

Jean-Michel BIDOT

Pier Giorgio COLOMBO

Inger-Helene ENGER

Wolfgang ENGLER

Peter FEIND

Alex FISHER

David GIBBONS

Thor JOHANSON

Wayne JENNER

Robert MATHER

Alain PICARD

Hans-Ulrich RAULF

Fons SCHAEFERS

Rudolf SCHUEGRAF

Liam SISK

Simon TURTON

Barry VALENTINE

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Bob WILSON