The European institutional framework
The Community acts as a legislator, while Member States apply Community law under Community supervision.

Legal remedies for individuals and enforcement means are provided by Member States judicial systems.

The Commission may be delegated strictly defined executive powers, including the setting up of binding standards.
The Principles

A **Community Agency** may be delegated the application of Community law, in particular the assessment of conformity with binding standards.

The exercise of such powers shall be subject to the necessary political and judicial supervision.
European Aviation Safety Agency

Tasks and Actors

**Legislative level:** The Parliament and the Council
- establishing legal framework

**Executive level:**
- setting up binding standards
- assessing conformity to standards
- The Member States
- The Commission
- The Agency
- The Industry

**Judicial level:**
- enforcement/remedies
- The national Courts
- The European Court of Justice
The Regulatory framework
The Parliament and the Council define the Scope of Powers transferred to the Community

They adopt the Essential Requirements specifying the objectives to be met

Basic Regulation
Regulation (EC) 1592/2002 of 15 July 2002

Annex I: Essential Requirements for Airworthiness
Annex II: Excluded Aircraft
The Commission adopts standards for implementing the essential requirements

Regulation (EC) 1702/2003 on Airworthiness and Environmental Certification

- Annex (Part 21)
  - Section A: Application Requirements
  - Section B: Administrative Procedures
  - Appendices: EASA forms

Regulation (EC) 2042/2003 on Continuing Airworthiness

- Annex I (Part-M): Continuing Airworthiness Requirements
- Annex II (Part-145): Maintenance Organisation Approvals
- Annex III (Part-66): Certifying Staff
- Annex IV (Part-147): Training Organisation Requirements
- Appendices: EASA forms

Section A: Technical Requirements
Section B: Administrative Procedures
The Agency’s soft laws

The **Agency** adopts **non binding standards** for implementing the essential requirements

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European Aviation Safety Agency

06/07/2004 8
The Agency’s procedures adopted by the MB

- Rulemaking procedure: 27/06/2003
- Outsourcing policy
- Accreditation procedure
- Organisations certification procedure: 03/02/2004
- Products certification procedure: 30/03/2004
The Agency’s remit

 aç Currenty the Basic Regulation establishes Community competence only for the regulation of the **airworthiness** and **environmental compatibility of products**

 aç Work is being done to extend the scope of this regulation to **air operations** and **flight crew licensing**

 aç Ultimately it could also cover the safety regulation of **airport operations** and **air traffic control services**
The Sharing of Tasks
The Agency’s roles

- Development of common rules: Basic Regulation and Implementing Rules
- Adoption of material for the application of common rules (airworthiness codes, interpretative and advisory material)
- Issuing type certificates (TC, STC,...) and organisations approvals (DOA and third countries POA, MOA...) and ensuring related continued oversight
The Agency’s roles

✈ Monitoring the application of rules by Member States and recommending to the Commission the necessary enforcement actions

✈ Assistance to the EU in the form of technical expertise

✈ Acting as focal point vis-à-vis third countries and international organisations for the harmonisation of rules and the recognition / validation of certificates
The Member States NAA's roles

- Providing expertise as appropriate for rulemaking and certification tasks
- Issuing individual airworthiness certificates and approvals to organisations and personnel in their territory (except DOA)
- Taking action on a case by case basis if so required to ensure safety or appropriate operational flexibility
The sharing of roles

Airworthiness/Environment
- Type certificate: Agency/EC, Agency
- Design organisation approval: Agency/EC, Agency
- Other Individual certificates: Agency/EC, NAA

Maintenance
- Non EC country: Agency/EC, Agency
- EC country: Agency/EC, NAA
The Community being a supranational organisation, Member States may no longer:

- issue their own rules
- deviate from common rules
- impose additional requirements
- conclude arrangements with third countries
The Organisation
Rulemaking

Rulemaking Director
Claude Probst

Products safety

Flight standards

Environmental protection

International co-operation

Assistant
The Work
How we work today

Rulemaking

- The Agency’s procedures are in operation
- The JAA work programme is taken over by the Agency

Certification

- Certificates and approvals are signed by the Agency
- Certification experts are joining the Agency
- Temporary service contract with CJAA signed
- Temporary outsourcing contracts with NAAs about to be signed
How we are going to work

In the forthcoming months and years

- The Agency takes over the tasks internally in parallel with its staff growth
- The contracts are phased out accordingly