



European Aviation Safety Agency

MINUTES OF MEETING

Subject SSCC Meeting 01-2011

Date 25 May 2011

Location Jugendherberge Koeln-Deutz

Organised by EASA

List of Participants

	SSCC Members	SSCC Observers
	Attendees Les Aalders, AIAC Philipp Ahrens, ACI Martin Alder, ECA Dominique Bouvier, SNECMA Juan Alberto Cozar Maldonado, CANSO Patrick Debuchy, IATA Walter Desrosier, GAMA Michael Erb, IAOPA Catherine Gathier, ASD Pierre Georges, ASD Tim Glasspool, EHA Belarmino Gonçalves Paradela, EBAA Phillippe De Gouttes, ASD Jon Harris, AEI Michael Hickey, ELFAA Frank Kabuth, EAMTC Mehdi El Kouch, ECOGAS Adrie Kraan, BCA Thomas Leoff, EAAPS Roderick McGregor, CANSO Dick Meerman, ACI Paulo Monteiro, AIAB Pierre Moreillon, ERAC Erik Moyson, IACA Alfred Vlasek, IFATCA Kris van der Plas, ECA Michel Rocca, CANSO Nuno Simões, ATCEUC Todd Sigler, AIA Liam Sisk, ASD Carlo Vergari, EIMG Roland Vermeiren, ESAM Bob Wilson, ASD	Alfonso Arroyo Fernandez, EC Michael Sanders, ASD
		Experts or alternative attendees Alfred Vlasek, IFATCA Alexandre Bianchi, AIA Brazil
Apologies	Martin Ambrose, SSCC Chair, ERA Darryl Johnson, ASD Zeljko Oreski, IFATCA Rudolf Schuegraf, Europe Air Sports	

Agenda 1-2011	
1	Welcome introduction
2	Adoption of the agenda
3	Adoption of the minutes of the previous meeting Review of action table Working paper 00: Minutes of meeting 2-2010
4	Election of Vice-Chair for full SSCC
5	General introduction <ul style="list-style-type: none"> ▪ New rule structure ▪ Update on existing remit <ul style="list-style-type: none"> ▪ Product safety ▪ Environmental protection ▪ Use of the new rule structure in the Airworthiness domain ▪ Update on First extension ▪ Update on Second extension ▪ Update on Bilateral Agreements The above update items will be presented – presentations will be distributed as follow-up documents
6	Reports from the Subcommittee Chairs¹
7	4-year Rulemaking Programme <ul style="list-style-type: none"> ▪ Information on the state of implementation of the 4-year Rulemaking Programme 2011-2014 Information paper 01: Progress report (room document) <ul style="list-style-type: none"> ▪ Feedback and opinion on the priorities of the 4-year Rulemaking Programme 2012-2015 <ul style="list-style-type: none"> ▪ Recommendation from SSCC Members on tasks to be added, deleted, advanced or postponed Working Papers 01a & b: draft 4 year Rulemaking Programme 2012-15 and Inventory
8	Review of the Rulemaking Procedure Information Paper 02: presentation on the subject (room document)

¹ For efficiency reasons, Subcommittee Chairs are invited to present recommendations/observations that are relevant to the full SSCC

9	Feedback on implementation of EASA rules² Information paper 04: reflecting eventual input from the Members
10	AOB <ul style="list-style-type: none"> ▪ Planning of future meetings Information paper 03: Future meetings <ul style="list-style-type: none"> • Results of the discussions on Basic LAPL/LAFI ▪ Upcoming survey on current and future SSCC

MoM prepared by	Kirsti Reinartz	Date	Signature
MoM reviewed by	Athanassios Tziolas	Date	Signature

² A permanent agenda point on the feedback on the implementation of EASA rules (difficulties in interpretation, implementation or harmonisation, identification of inconsistencies or regulatory vacuums) is added as a follow-up to the NETS implementation.

1. Opening and Welcome

The SSCC Chair - Martin Ambrose – was excused. Mr Dick Meerman had volunteered to act as Chair. Mr Meerman welcomed the participants and asked for a tour de table.

2. Adoption of the Agenda

The Agenda was adopted with addition of updates on volcanic ash and article 14 “handling of exemptions”, included in the general introduction under item 5.

Conclusion/Action:	N/A
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3. Adoption of meeting 2-2010 minutes + Review of action table

The minutes, as amended by the comments received, were accepted.

The comments were as follows:

Agenda item 5: under the Engineering and Maintenance Sub-Committee report:
‘inappropriately’ change to ‘inappropriately’

Agenda item 9: Alternative Means of Compliance – change of MB procedure

Fifth bullet point of the Agency information provided:

‘One Member suggested that Alt MoC and Add MoCs developed by the NAAs should be treated as priority during the standing Rulemaking task (and not ‘a posteriori’).’

Summary of Mr. Sisk:

‘He sensed the committee to be sceptical about the publication of Alt MoCs and Add MoCs by NAAs.’

The action table was displayed and a verbal debriefing was given on each open item. The table has been amended accordingly.

Action 2-4-2008 Will be continued through Rulemaking procedure. Action closed.

Action 2-9-2009 new “e-rules” work ongoing. Action remains open.

Action 1-04-2010 Will contact Chair to arrange common meeting. Action remaining open.

Action 1-05-2010 Linked to action 2-7-2011. Action closed.

Action 2-01-2010 On this agenda as item 4. Action closed.

Action 2-02-2010 Templates prepared. Action closed.

Action 2-03-2010 On this agenda under item 10. Action closed.

Action 2-04-2010 Agency staff from FCL attended ATM meeting, most points addressed. Action closed.

Action 2-05-2010 Work ongoing, will be put on future meeting agenda if necessary. Action closed.

Action 2-06-2010 presented at common session 24 May 2011. Action closed

Action 2-07-2010 Report to be finalised. Action open.

Action 2-08-2010 Feedback from AGNA/SSCC being handled by competent Agency staff. Action closed.

Conclusion/Action:	N/A
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4. Election of Vice-Chair for full SSCC	
Mr Meerman voiced his sole candidature and asked full SSCC to endorse. “Hands-up” elections were held, majority of votes received. Mr Meerman was congratulated on his new position as vice-Chair of full SSCC.	
Conclusion/Action:	N/A

5. General Introduction
<ul style="list-style-type: none"> ▪ New rule structure This item was presented under the “Update on first extension”. ▪ Update on existing remit Product safety <ul style="list-style-type: none"> ▪ Agency precised that EC will be adopting four outstanding initial airworthiness opinions in the course of the year 2011. ▪ Informed that work of the ICA rulemaking group has been suspended for the time being because of need for coordination with FAA / TCCA. Workshop on the subject is considered. ▪ In the case of sub-orbital flights, activity would be coordinated with the Commission. EASA considers asking alleviations from Basic Regulation to harmonise with existing process in US. It is not foreseen to issue AOC, pilot’s licenses, etc... Environmental Protection <ul style="list-style-type: none"> ▪ Focus on ICAO rules transposition. Agency replied to question by SSCC member on setting standards for CO2 production of aircraft as follows: ▪ Establishing standard for CO2 production of aircraft high priority for ICAO, but so far no limit level fixed. Highly political issue, EC (emissions trading scheme) and industry (e.g. Airbus, ASD) should contribute to this process. Continuous effort from Agency to organise meetings with European stakeholders. ▪ Update on First extension <ul style="list-style-type: none"> ▪ Included presentation of the new rule structure. Background for the shift to “re-verticalisation” was given, and why the AR/OR elements were placed in the new regulations on air crew, air operations and third country operators. Focus is on remaining consistent in the approach of the first and second extension. “re-horizontalisation” would follow in the future. The EASA Committee has given positive feedback on new rule structure in their May 2011 meeting. ▪ Meeting was updated on planned / expected timeframes for finalisation of the remaining opinions (OPS, TCO, FTL, etc.) and the adoption of the IRs (FCL, MED, etc.). ▪ Update on second extension <ul style="list-style-type: none"> ▪ Agency highlighted its rulemaking support to EC on NMF and FAB and its early involvement in SESAR. ▪ Upon question from SSCC member on how ATM rules fit into the “rule structure”, Agency outlined challenge ahead: to propose whether to keep to the existing rule structure of fast track rules or to aim at consistency with FCL/OPS rules, but pointed out that the guardian of the rules/ rule structure is the Commission. ▪ SSCC member inquired on possibility of one central repository for all EASA rules. Currently rules spread out across three websites of EASA, EC and EUROCONTROL. Agency stated that the Agency ensures the Safety related activities of SES II. In this respect, interoperability requirements contain safety requirements and are closely coordinated with the Commission. Furthermore, there is an effort to combine the airborne / ground safety

requirements. Agency added that all ATM Regulations, once published, could be found on EC website. EC observer noted that all three bodies (EC, EASA, ECTRL) are involved in this domain, respectively either as driving the legislative process (EC), executive body (EASA) or mandated to work on rules (ECTL). Both the Agency and EC confirmed that increasingly ATM safety regulatory framework would be available on the EASA and EC websites as a central repository once IR rules are adopted. ECTL website includes the same information for information purposes only, as ECTL receives mandates from EC in the context of SES II framework.

- Update on volcanic ashes:

- Agency explained that it had been requested to focus on airworthiness, and that EUROCONTROL CFMU unit has the lead on ATM aspects. EASA had coordinated all activities through a Working Group after the 1st crisis. The aim was to re-instate SMS principles for operators. Regarding the current emergency, the coordination of the various concerned bodies showed some deficiencies that need to be addressed. The issue was, furthermore, to decide whether to begin rulemaking activities before ICAO finishes its own regulating, or to wait. Most comments to the recently published A-NPA presenting the ICAO proposal and enquiring about the next steps, suggest to “wait”. However, these comments were submitted before the 2nd eruption and might change in view of the recent developments. Not waiting would give option to draft IR for Member States, means of compliance for manufacturers’ or GM for interpretation of current rules. Agency encouraged all stakeholders to read/comment recently published A-NPA.
- For airworthiness, another draft NPA will mandate certain information to be put in instructions for continuing airworthiness, so operators can perform risk assessment.
- Last, an A-NPA is in planning to explore feasibility for study of standards to allow flying planes through volcanic ash. This would involve modifying existing and introducing new standards.
- Agency is following up work of ICAO and the EU taskforces and closely coordinates with EUROCONTROL.
- EC observer added that response to second crisis has been quicker. View not shared by all participants.

- **Flexibility provisions (Art. 14 to the BR) – handling of exemptions**

- Agency gave overview of the possible exemptions in Art. 14, explaining that vast majority of cases involved Art. 14(4) “operational exemptions”. Upon request of SSCC Member, the procedure for every case was illustrated in detail to answer the question on surpassing deadline to find safety solution, which would then become an exemption:
 - Art. 14(4): operational exemptions (mostly linked to airworthiness):
MS grant exemption for unforeseen urgent operational circumstance. If this becomes repetitive or lasts > 2 months, MS must notify EC, Agency and other MS (e.g. US STCs waiting for approval). Agency gives advice to EC, 15 w-day deadline to deliver opinion. Once notified, can ask for extension from EC, with Agency giving advice on safety issue. In most cases, there is administrative delay, no technical delay. Maintenance cases are exceptional.
 - Art. 14(6): equivalent level of safety
Case where BR or IR not applicable in a certain environment, but another way to reach compliance exists. This national rule is proposed to EC, Agency is asked for opinion and Comitology procedure applied. Once adopted, the rule can be implemented by all MS.
 - Art. 14(1) Safety problem

MS takes immediate action for a safety concern, only thereafter is the issue notified to EC, Agency and other MS. Agency gives recommendation on whether BR or IR need to be amended. Comitology applied. If the safety concern is confirmed, all MS can take action.

▪ **BASA EU-US agreements update: an overview of the agreement's structure and legal status was given. Upon questions from SSCC members, the following clarifications were given by the Agency:**

- Stressed that legal status of BASA (Re. slide 10 of the presentation) was above EU legislation, and that deviation from EASA system possible, which was not the case for Working Arrangements.
- Pointed out that TIP/MAG rules could be found now on EASA website:
<http://easa.europa.eu/rulemaking/international-cooperation-bilateral-agreements.php>
- On the enquiry about further possibilities to learn about TIP, Agency informed that online training would be offered including to industry. Also, Vienna Safety conference in June offers 3 workshops on the subject. Also, workshops will be organised in Europe and in the US to present the agreement, its maintenance annex and the MAG to the Industry and NAAs. Similar workshops could be organised for certification provisions of the Agreement if the need is clearly expressed by the Industry or NAAs.
- On the enquiry for extension of scope of BASA to other areas (e.g. FCL): EC observer stressed that the agreement was a "living animal" and that depending on level of trust, future areas could be foreseen.
- Update on status of agreement with Canada: Agency / EC explained that the delay is due to new ratification procedures introduced by the Lisbon Treaty.

Conclusion/Action:	N/A
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6. Reports from the Sub-Committee Chairs

The Sub-Committee Chairs briefly presented their reports of the previous day's meeting. General points are noted by the Agency and included below, whilst specific items are recorded at an appropriate point later on in the minutes. The Agency notes the feedback given by the Sub-Committee and will give follow-up on the draft 2012-2015 Rulemaking Programme where possible. Further information can also be found in the relevant Sub-Committee presentations.

E & M Sub-Committee report

A report was given by the Sub-Committee Chair Liam Sisk, highlighting the following issues:

- Type training for legacy a/c types - lack of 'approved' courses
- Definition of 'occasional Line Maintenance' - recommends to add a task to the Work Programme
- The need for a List of Part 145 approved organisations in Europe was repeated again.
- Major type design changes – Part 23 aircraft and SESAR
- Review of RMP re Maintenance (Parts 145, 147, 66, M and 21 overlap)
 - Changes to ETSO articles
 - Replacements parts

ADR subcommittee report

A report was given by the Mr P. Ahrens, vice-Chair of the ADR Sub-committee, which focused on:

- Information given on RMP 2011 – 2014
- Update on 3 ADR RMG progress
- Future priorities: Apron management, ADR equipment (high)

Group pleased with the work that is progressing faster than planned

ATM subcommittee report

A report was given by the Sub-Committee Chair M. Rocca. The report contained in particular following points:

- Performance scheme: ATM Sub-Committee will closely follow-up the development of Safety KPIs.
- Industry draws attention to limited human and financial resources available to support Agency and implement the measures in due time;
- Focus on safety and on tasks facilitating FAB implementation for prioritisation.
- An SSCC member – representing regional ADR - raised a question on proportionality and flexibility of ANS rules for the local ADRs, being also an ANSP. The Sub-Committee Chair answered that EASA rules are in compliance with ICAO rules, and that this is a known issue that requires harmonisation across Europe.

FS Sub-Committee report

A report was given by the Sub-Committee Chair Thomas Leoff, where following points were highlighted:

- A-NPA 2011-06 Consultation on ICAO IVATF paper – the ICAO paper focuses on operations, though this topic also affects ATC.
- asks for clarification on aerodrome operating minima for non-precision approaches flying CDFA (re. App. 1 (new) EU-OPS 1.430). Discrepancy in treatment of values for DA on charts.
- states that there are unresolved issues for holders of third country licences under EASA Part-FCL and requested information related to the recent BASA (EU-USA) and whether this will extend to licensing.

D & M Sub-Committee

A report was given by the Sub-Committee Chair Philippe De Gouttes, where following issues were presented.

- new format of the Rulemaking Programme: Supported with minor change.
- concern for delays for BR 010.
- draft Certification Memos related to MDM.061 are considered controversial. Request not to use Certification Memos for controversial subjects
- suggests to set up EASA approval system or to allow use of third party auditing scheme for other parties' test house certification
- concern for criteria in change classification (see above E & M subcommittee). Suggests eventual EASA involvement in discussions. Proposal for next meeting.

Agency responses to Sub-Committee reports

The presentation was followed by a brief answers session:

Responses to Engineering and Maintenance Sub-Committee

- Major type design changes: Agency suggested to wait for outcome of discussion whether issue requires rulemaking
- ETSO articles (21.027): Agency sees no need to re-open discussion since no new

elements have been introduced

- Replacement parts – PM (21.046): Agency justified postponement by stating that no consensus and no evolution towards common position in industry.
- The Agency agreed to put the point on List of approved Part 145 organisations on the next SSCC agenda for a discussion.

Responses to ADR Sub-Committee

N/A.

Responses to ATM Sub-Committee

To question of flexibility and proportionality, the Sub-Committee chair replied that the Agency is producing similar rules to ICAO annexes II, XI, etc... Agency added that situations arise where crossing borders of domains inevitable, harmonisation in this respect is always a challenge.

Responses to Flight Standards Sub-Committee

- Agency took note of all concerns and understood limits of flexibility. Reminded that the advancement of a task needs the postponement of another, this also depending on the experts available.
- With regard to the value for DA on approach charts for non-precision approaches flying a CDFA technique, the Agency will check and coordinate with the Member States.

Responses to D&M Sub-Committee

- MDM.061: Agency stated that the Certification memo concept, which is not rulemaking, is being looked at to make the process even more waterproof. Explained that sometimes only public consultation shows if an issue is controversial or not. BR 010: Agency acknowledged the concern on delay that this was the case for all tasks in GA where new environments were touched, but difficult to accommodate. These tasks were meant to alleviate, not to burden. It might be necessary to make a change to the BR, or draft AMCs.
- Test-houses: Agency explained that this is not within EASA competence and that it would require a change to the Basic Regulation.
- Thanked for sub-committee and the SSCC positive opinion on the new Rulemaking Programme format.

Conclusion/Action:	<p>1-1-2011: Agency to put List of approved organisations on agenda of next meeting.</p> <p>1-2-2011: Agency to check and coordinate with MS for answer to SSCC on value of DA on approach charts for non-precision approaches flying a CDFA technique.</p>
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7. Agenda Item: 4-year Rulemaking Programme

Information Working paper 01: Progress report (room document)

Agency provided statistics, stating that the aim was to achieve 90% of the tasks. So far, 13% of overall implementation was achieved against the 14 % planned target. In 2011, the programme foresees the delivery of 29 tasks. Responding to a query for an SSCC member, the Agency clarified that in 2010, it overachieved on the number of tasks, meaning more were published than foreseen. So tasks can eventually be added to, or removed from the programme, but in all the Agency should deliver the number of tasks initially planned. Question as always: availability of resources to complete these tasks. So if a new task is included an existing one has to be postponed.

WP 01 (a) and (b) : draft Rulemaking Programme 2012-15 and Inventory

Agency thanked for valuable feedback received from Sub-committees on tasks to be combined, accelerated, postponed and/or deleted. Agency will examine the proposals to see how these can be taken into account in the 4-year Rulemaking Programme 2012-2015. Draft RMP 2012-15 received positive opinion from SSCC subject to the changes still to be included if taken into account.

Conclusion/Action:	1-3-2011: Agency to consider feedback from SSCC sub-committee when drafting final RMP 2012-15.
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8. Review of the rulemaking Procedure**Information paper 02: presentation on the subject**

- The Agency presented the planned key changes to the process, subject to the approval of the Management Board.
- SSCC members/ EC observer support review, especially the initiative to tackle controversy at early stage of the procedure.
- Comments from Members were answered as followed:
- Deletion of reaction to CRD will reduce participation of stakeholders who do not have advisory role. Who will decide on special consultation phase? Agency pointed out firstly, that anyone could comment on the NPA. The "consultation on specific item", which could be in the form of WS or questionnaires, would be decided by Agency on case by case basis, after determining which topics were important and controversial. CRD reactions in the past had been similar to comments on NPA, so they had little added value. Furthermore, ad-hoc meeting will allow for focused consultations on unresolved issues.
- Reduced scope of amendments in future when rules will be in place? Agency stated that current situation in first extension rulemaking was not used as a reference point to measure impact of new process, but the experience gained on the existing remit.
- Consistency of AGNA / EASA Committee? Agency stressed that it was important to coordinate and link procedure to be followed by same people/experts with certain authority from beginning to end. Due to Lisbon treaty, it is expected that the EASA Committee will be replaced by "experts". Also ask MS to coordinate internal discussions better, so as to avoid different voices and to approach issues consistently. EC observer confirmed ongoing negotiations for review and change of the Comitology process.
- Role of Pre-RIA? Often, more material in pre-RIAS than necessary, could the pre-RIA also be changed as part of the review? Agency asked for suggestions to change Pre-Ria content/format.

Conclusion/Action:	1-4-2011: Industry to propose changes to Pre-RIA content/format.
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9. Feedback on implementation of EASA rules

Agency reminded that feedback on implementation of rules was valuable, since the Agency itself did not always know where to look for issues that needed improvement. If certain rules were not working as they should, this should be notified so that something could be done about this.

Conclusion/Action:	1-5-2011: SSCC is encouraged by Agency to raise any issues faced.
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10. AOB

– Planning of Future meeting

The 15th and 16th of May 2012 were confirmed.

Tentative meeting dates 15.05.2012 and 16.05.2012 were agreed, but these remain to be confirmed at the next meeting.

– Basic LAPL/LAFI:

Agency explained that as EASA Committee had rejected this part of the opinion in October 2010, no further action was possible. This is a prime example of the “disconnection” between the beginning of the process (EASA processes which reached consensus, support from GA, support from European Parliament), and the further stage (comitology), which clearly needs more upstream coordination to take into account eventual opposition right from the beginning.

– Survey on current and future SSCC and subcommittees

According to the Agency, the main idea is to help the review as planned in 2012, in order to continue the committee in 2013. In this respect, the Agency asked sub-committees to make more efforts to identify stakeholders who are affected and would be interested in being involved in the work in the future.

Conclusion/Action:	1-6-2011: Sub-committees to identify stakeholders affected by EASA rules and who would be interested in being involved in the work in the future.
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Action list					
Action #	What	Who	When	Status	Comments
2-4-2008	Establish a review group for task 21.010	Agency		C	Will be continued through Rulemaking procedure.
2-09-2009	Review the e-tool fee policy	Agency	ASAP	O	New “e-rules” work ongoing.
1-4-2010	contact AGNA Chair to organise a combined meeting between AGNA and SSCC	Chair		O	Will contact Chair to arrange common meeting.
1-5-2010	The Chair requested that the report on the review group should be provided well in advance to the next meeting to prepare for comments.	Agency		C	Linked to action 2-7-2011, therefore agreed to close this item.
2-1-2010	relaunch a reminder for SSCC vice-Chair elections in order to prepare the vote at next meeting.	Agency	Before next meeting	C	On this agenda as item 4.
2-2-2010	prepare templates for the Sub-Committee meeting reports	Agency	Before next meeting	C	Templates prepared.
2-3-2010	conduct internal discussions on Basic	Agency	Before next	C	On this agenda under item 10.

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	LAPL/LAFI and coordinate with the Commission on this matter. Inform SSCC on the results at the next meeting.		meeting		
2-4-2010	ensuring of ATM/ANS involvement in the case of FCL.008	Agency		C	Internal coordination for joint meeting, most points addressed.
2-5-2010	analyse and eventually outsource tasks of requesting inventory of implications of suborbital airplane	Agency		C	Work ongoing, will be put on future meeting agenda if necessary.
2-6-2010	propose new numbering of tasks, taking into consideration suggestions and concerns of SSCC	Agency		C	Presented at common session 24 May 2011.
2-7-2010	draft a report on review of Rulemaking Procedure and present outlines to SSCC	Agency		C	Report to be finalised
2-8-2010	update WP01 with feedback from Committee	Agency		O	Feedback from AGNA/SSCC being handled by competent Agency staff. Action closed.
2-9-2010	to inform Agency staff of SIB consultation procedure	Agency		-	Action deleted, as this was intended for internal staff follow up.
1-1-2011	provide List of approved organisations	Agency	For next meeting's agenda	O	
1-2-2011	check and coordinate with MS for answer to SSCC on CDFA task.	Agency, MS	At next meeting	O	
1-3-2011	consider feedback from SSCC sub-committee when drafting final RMP 2012-15.	Agency	Before publication of RMP 2012-15	O	
1-4-2011	propose changes to Pre-RIA content/format.	Industry	Before next meeting	O	
1-5-2011	encouraged to raise any issues faced.	Industry	Before next meeting	O	
1-6-2011	Sub-committees to identify stakeholders affected by EASA rules and who would be interested in being	Sub-SSCCs	Before next meeting	O	

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	involved in the work in the future.				
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Next meeting:

The next meeting is arranged for 31 November - 1 December 2011 in Cologne.