

European Aviation Safety Agency

SAFETY STANDARDS CONSULTATIVE COMMITTEE

17.11.2004 – MINUTES OF 4TH MEETING

The Chair recalled that substitutes can only participate in the absence of SSCC members and that any permanent replacement has to be agreed with the Agency.

He went on with the ABIP Secretary's request to participate in SSCC meetings in order to ensure a better communication between ABIP and SSCC. A subsequent discussion took place on the different tasks and function of each advisory body. Having noted the strong members support, it was agreed to include Mr. Schmitt, as an observer to SSCC.

Action required:

1. SSCC secretary send positive response to Mr. Schmitt

Approval of the Agenda

The Chair insisted that the main aim of the meeting is to debate on the role and functioning of the SSCC on the basis of a report of the SSCC working group.

As a consequence, other agenda points are included under AOB and would only be considered if the meeting does not run out of time on the main agenda points.

Further to this, the agenda was approved as proposed.

Minutes of previous meeting and actions arising

The minutes of previous meeting were approved as written, with the understanding that AOB item "priorities for new workshops" will be reformulated and read now:

"The Committee indicated that besides issues linked with the implementation of Part 66 and the probable need for a workshop on DOA, there is .."

With regard to action under point 13, it was stated that no contentious issues were raised about the Agency's comment response document on OPS/FCL. Therefore, no further discussion was required.

The action table was not considered.

1. Review of SSCC progress to date

The Chair recalled the reasons which lead the Committee to question its role in the rulemaking process. There was indeed a strong willingness of the members to be more proactive in elaborating opinions not only on rulemaking priorities and working methods, but also on the technical content and economic impact of envisaged rules. Past experience in the functioning of the SSCC shows that such prospective thinking is necessary for the SSCC to assist effectively and efficiently the Agency.

2&3. Presentation from SSCC working group and the review of draft revised Terms of Reference and Rules of Procedures

The Chair gave the floor to Martin Ambrose who presented the working group conclusions and the related draft revised terms of reference and rule of procedure, as per document “SSCC TOR v6 draft.doc”.

The members expressed their overall appreciation for the excellent work carried out by the SSCC working group.

The Chair summarised the suggested SSCC structure, which consist of the full SSCC and a number of sub-committee's aligning with Agency's rulemaking activities. While the vast majority of expert work will be carried out by the sub-committees, the full SSCC will concentrate on policy and strategic issues, as well as on co-ordination tasks to ensure the overall consistency of the SSCC opinions. In this context, particular attention shall be given to:

- Establishing a process for consensus building at full SSCC level on issues about which sub-committees have opposite views. To this end, it is advisable that the chairs of the sub-committees report the file, on a case by case basis, to the full SSCC;
- Developing a workable communication system between the full SSCC and the sub-committees;

Furthermore, he noted that the advantages of the proposed approach are that members can increase interaction with the industry sectors they belong to and that no sector will dominate the SSCC.

4. Debate – Role and future structure of SSCC

Wolfgang Engler presented his views on the functioning of the SSCC on the basis of a comparison between the JAA/current/proposed rulemaking processes. As a conclusion, he considered that sub-committees should be mainly composed of experts at middle management level. He was supported by several members.

The Chair, supported by some other members, indicated that he would not be in favour to create in Europe an ARAC structure. Resources in the Agency and in many sectors of the industry do not permit such an option. He also thought that the SSCC must keep control and take a position as a whole. He nevertheless agreed that there should be flexibility to introduce external expertise as appropriate in the sub-committees.

The Agency on its side expressed its readiness to be open to SSCC members' opinion on the way the Committee should work. Its objective being to produce good rules with the help of the industry, it was essential, therefore, that the SSCC can bring added value in the process. The Agency was therefore generally satisfied with the

proposal of SSCC working group that wanted to clarify its position on few points to avoid any future misunderstanding:

- It is important that the SSCC keeps control and produces consolidated opinions using the output of the sub-committees;
- While not excluding the possibility to modify the rulemaking procedures, the Agency still considers important that the SSCC fulfil the task described in the existing procedures, in particular as far of composition of rulemaking groups are concerned;
- The Agency's offer was to have SSCC advice on a short list of jointly identified rulemaking tasks, which are important in terms of safety, strategy & policy and costs. In this respect, the SSCC had to be selective and define priorities;
- Finally, the current draft for terms of reference and rules of procedure could be interpreted as affecting the Agency's independence in the drafting of rules. The text as therefore to be reviewed to avoid such interpretation;

In this context, the Agency offered to facilitate the above process by providing support for the functioning of the sub-committees, including participation, secretariat and documentation in an appropriate format.

During the subsequent discussion, SSCC members expressed their views on the proposed new SSCC structure. In summary, the following remarks were stated:

- In general, they supported the creation of sub-committees since most of them are specialised in a particular area and only interested in matters that may affect their business.
- Whilst some members argued on the identification and the number of sub-committees, the majority agreed to limit their number to take into account the scarcity of resources, mainly in small organisations.
- For the same reasons as above, a member insisted for sub-committees to be breakout sections of the full SSCC, which will reconvene at the end for adoption of consolidated opinions.
- It is important that the full SSCC keeps control of the process. To this end, it was suggested to limit membership in sub-committees to SSCC members and to clearly define the scope of their activities.
- The sub-committee Chairs should report back on the outcome of their work to the full SSCC in order to direct discussion and also to enhance the communication between full SSCC/Sub-committees.
- To avoid endless debates within the sub-committees, it would be important to establish procedures to resolve conflicts and express majority views.
- A member insisted that for the SSCC to be able to issue opinions on individual rulemaking tasks there was a need for sub-committees to involve technical expertise at middle management level that is presently not available among SSCC members.
- A member insisted that a sub-committee shall be established to address rotorcraft issues. He felt that more generic sub-committees might indeed not give them the consideration they deserve and lack the global view and expertise needed.
- Following discussions, it was agreed that general aviation issues could be adequately addressed by the other sub-committees dealing with horizontal issues.

5. The way forwards?

On the basis of all views expressed, the Chair concluded that there was wide support for the proposals of the SSCC working group.

As a consequence, the SSCC will establish three sub-committees:

- Design & Manufacturing,
- Engineering & Maintenance,
- Operations & Licensing

This reflects the main rulemaking tasks of the Agency under regulations 1702/2003 and 2042/2003, as well future extension to air operations and pilot licensing. This list will be reviewed from time to time in the light of experience gained. The remits and terms of reference for each sub-committee will be produced in the coming weeks.

A member requested its disagreement with the list of the sub-committees to be formally recorded as he considered essential that a sub-committee be created to address rotorcraft issues.

The sub-committees will be composed of members of SSCC, who are invited to indicate in which ones they want to sit. It is recalled that they can participate in several. The Chair of the sub-committees will be entitled to call on external expertise to support their work as appropriate.

The draft terms of reference and rule of procedure will be adjusted to reflect these conclusions as well as drafting improvement to be suggested by SSCC members and the Agency.

6. Next actions

Action required:

2. each SSCC member shall nominate himself for the sub-committee, he is interested to sit on;
3. the Chair to define and allocate tasks to each sub-committee;
4. each sub-committee to elect his Chair by next SSCC meeting;
5. Members to provide comments on draft SSCC ToR and RoP to Simon in coming weeks, who will compile and distribute the final version;

7. AOB

Rulemaking programme 2004

The Agency gave an update on the implementation of the 2004 program, as described in WP 01. The state of implementation is still low. This is due to the slow hiring of staff and a too ambitious program. With a large number on NPA launched in November, it is now clear that many 2004 tasks will have to be reported to 2005. This is likely to have a knock-on effect on the 2005 rulemaking program.

To accelerate the pace of work, the Agency will continue to beef up the rulemaking team in the coming months. It also, will hire external experts to provide assistance to drafting groups and to support the Agency on his rulemaking activities. A call for expression of interest has been launched to that effect. SSCC members are invited to disseminate the information to any person who could be interested. In this context, it is recalled that:

- subcontracting of external experts will be done in accordance with the EC procurement rules;
- legal persons can apply to the call but due consideration will be given to possible conflict of interest or confidentiality issues;

Actions required:

6. Agency to provide state of play of 2004 program at next meeting;

Rulemaking programme 2005

As there has been no comments since the last meeting on the rulemaking programme 2005 can be considered as final.

The Agency indicated that it was already preparing terms of reference for the tasks contained in this programme and will start circulating them as soon as available.

In view of the knock-on effect referred to above, the Agency think that a prioritisation of tasks is now unavoidable;

A member used the opportunity to draw the attention of the SSCC on the fact that a number of aviation companies facing financial problems are limiting the resources affected to safety tasks. Consequently, they may loose focus on the compliance with applicable rules leading to safety deficiencies. Moreover, persons reporting such shortcoming face employer's actions. This is particularly the case for maintenance organisations. A letter on this issue has been sent by the Aircraft Engineers International to the Agency.

The Chair wondered whether the SSCC was the right place to discuss such matters as they related to enforcement at NAAs' level.

The Agency indicated that the above mentioned letter has been received a reply is being drafted. It considers that the current system of approval of organisations is not the only means specified by the applicable rules to provide for the necessary level of safety. This indeed has to be achieved through a right combination of audits of organisations (Part 145) and of actual verifications of the output (airworthiness review of aircraft contained in Part M). If indeed the current trend toward more reliance on organisations appeared to be a wrong orientation this definitively would be a subject of discussion within the SSCC as this underpins all modern regulatory systems.

Action required:

7. The Agency to provide consolidated 2005 rulemaking programme containing transferred actions from 2004 and suggestions for prioritisation.

8. Agency to circulate AEI letter and EASA response to SSCC for their views;

Nomination of experts

M. S. Turton briefed members on the results of the exercise, which lead to the timely submission of SSCC contribution to the Agency. The publication of the draft ToR on the CIRCA site will be the next step and all members are free to comment on the subject. The Agency explained that besides the SSCC list, a number of nominations were sent directly to the Agency.

A member asked the Agency how it will deal with the task to revise AMC for CS 27 & 29, which is represented only by one task in the 2005 programme. As it covers different issues there is a need to involve different disciplines. The Agency responded that a group is foreseen and its composition will take that into consideration on the basis of nominations received.

A member sought clarity on the Agency intentions about the tasks related to occurrence reporting systems. The Agency indicated that there should no confusion between the reporting systems imposed by the applicable parts and the one that Member States are required to establish in accordance with the recently adopted EU directive. It suggested therefore circulating the paper given to the Management Board on this very subject.

Action required:

9. Agency will circulate paper submitted to the MB;

Prioritisation of rulemaking tasks

The Agency presented its documents on a methodology for the prioritisation of rulemaking tasks based on identified criteria, taking into account a possible weighting of each of them.

While most of the members agreed with the Agency's proposal, they suggested using it only as a supportive tool. Moreover, they suggested clarifying the meaning of the proposed criteria and considering additional ones.

Action required:

10. The Chair suggests members to comment on the paper and to make suggestions as regards the criteria to be used and a possible weighting, by the end of November;
11. The Agency circulate final draft to SSCC;

SSCC webpage

Most of the members agreed to publish SSCC minutes. In addition, papers would be published when requested by their authors. Most considered that other documents in the CIRCA site should be protected and discussed at SSCC. Lastly, one member requested to regularly update the Agency's website.

Action required:

12. The Agency to publish SSCC minutes;

AD distribution policy

The Agency indicated its intention to set up a comprehensive AD distribution system accessible to all aircraft owners and operators. This is additional service provided by the Agency and, therefore, payable. The Agency is therefore actively working on a consolidated AD's database, with the support of Agency's IT department. Delays are due to the recent move of the Agency in Cologne and the limited resources.

Although satisfied with this general orientation, the Chair expressed dissatisfaction on the slow pace at which such a system was developed and established. He reported CAA-UK plans to create a European AD system that will contain all EU and foreign authorities AD's that could be used by the Agency.

One member draws the attention of the Agency on the need to ensure the consistency of possible AMOC (Alternative means of Compliance) to AD to avoid unequal treatment among operators.

Harmonisation of rules

The Agency briefed SSCC on the result of the work undertaken with FAA to provide for a new framework for rulemaking co-operation. A process has been agreed and the related flowchart and explanatory material will be circulated to the SSCC

Action required:

13. The scheme for EASA/FAA rulemaking co-operation will be posted on the CIRCA site;

EAMTC

The Chair informed members that EAMTC (representing Part 147 organisations) wishes to become a member. Most of the members considered more appropriate to keep the current composition of the SSCC. This will be anyhow re-considered in the light of the experience gained in the implementation of a new working method. One member also offered to co-ordinate meanwhile with EAMTC.

Date of next meeting

The next meeting will be held on Thursday 24 February 2005 at 10.00 at EASA HQ in Cologne.

Actions table

Action #	What	Who	When	Status
3-1	Add action table and publish minutes on CIRCA site	Secretary	Asap	C
3-2	Agency to provide in writing a synthetic table on the state of implementation of 2004 rulemaking tasks	Agency	Asap	C
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		C
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	C
3-14	Set-up task force for creation of SSCC webpage		Next meeting	C
4-1	SSCC secretary send positive response to Mr. Schmitt	Agency	Asap	C
4-2 to 5	<ul style="list-style-type: none"> each SSCC member shall nominate himself for the sub-committee, he is interested to sit on; the Chair to define and allocate tasks to each sub-committee; each sub-committee to elect his Chair by next SSCC meeting; Members to provide comments on draft SSCC ToR and RoP to Simon in the coming weeks, who will compile and distribute the final version; 	Wayne & Simon	December	O
4-6	Agency to provide state of play of 2004 program at next meeting;	Agency	Next meeting	O
4-7	The Agency to provide consolidated 2005 rulemaking programme containing	Agency	Next meeting	O

	transferred actions from 2004 and suggestions for prioritisation.			
4-8	Agency to circulate AEI letter and EASA response to SSCC for their views	Agency	Asap	O
4-9	Agency will circulate paper on occurrence reporting submitted to the MB	Agency	Asap	O
4-10&11	<ul style="list-style-type: none"> The Chair suggests members to comment on the paper and to make suggestions as regards the criteria to be used and a possible weighting, by the end of November; The Agency circulate final draft to SSCC 	SSCC Agency	November Asap	O O
4-12	The Agency to publish SSCC minutes on the website	Agency	Asap	O
4-13	The scheme for EASA/FAA rulemaking co-operation will be posted on the CIRCA site	Agency	Asap	O

List of participants meeting 17-11-2004

Martin AMBROSE

Fred BRUGGEMAN

Jean-Michel BIDOT

Pier Giorgio COLOMBO

Wolfgang ENGLER

Peter FEIND

Thor JOHANSON

Wayne JENNER

Robert MATHER

Fiona Mc FADDEN

Didier GUY

Alain PICARD

Paulo Cesar OLENSCKI

Jacques RENVIER

Fons SCHAEFERS

Rudolf SCHUEGRAF

Simon TURTON

Barry VALENTINE

C.W. VAN SANTEN

Carlo VERGARI

Bob WILSON

Dieter ZECKAI