

## European Aviation Safety Agency

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### ADVISORY GROUP OF NATIONAL AUTHORITIES

01.09.2004 – MINUTES OF 3<sup>RD</sup> MEETING

#### Agenda

Members asked whether there is a policy on publishing NAA's position papers on the Circa site. The Agency stated that it saw no reason not to do so. These papers are only posted on the CIRCA site under agenda point AOB as "Information Notes" and can provide useful input for debates for further rulemaking activities. For the sake of clarification, it was also explained that AGNA views are sought only for WP papers. As a consequence, a member suggested that points for decision are clearly identified in the agenda. This will be done in the future.

Lastly, it was requested by one member to replace the topic "vibration monitoring for helicopters" under AOB by "Rotorcraft and Rotor transmission".

There being no further comments on the agenda as modified, it was adopted by the Group.

Action 3-1: Agenda will clearly identify points for decision

#### Minutes of second AGNA meeting – WP 00

After discussion, the following changes were incorporated:

- the word "committee" is everywhere replaced by "group" whenever the text refers to AGNA;
- to clarify some delegations position with regard to WP 06 and to the issue of "code of practice" the following sentence was inserted in the minutes: *Some members thought that such reference should be deleted as they do not consider it as an acceptable alternative to rulemaking in the field of safety;*

The Group then adopted the minutes of the second AGNA meeting held on 17 June 2004.

Action 3-2: Agency to send final version of minutes of the 2nd AGNA meeting

#### 2004 Rulemaking programme - WP 01 & 01a

The Agency presented the degree of implementation of the 2004 Rulemaking programme. One member felt the document lacked clarity in terms of timing. The Agency reiterated that the annual Rulemaking programme includes only the tasks for which the deliverable is expected in 2004. Depending on the task progress, some tasks might move to the 2005 Rulemaking programme.

Then, it explained that two new tasks have been inserted into the programme to take into account new priorities:

- The first task on "UAV: Un-inhabited aerial vehicle" gives follow-up to the agreement reached at the 2<sup>nd</sup> AGNA meeting. It foresees an A-NPA in 2004 and, according to the responses received, to produce in 2005 a policy on the establishment of the certification basis for such aircraft.
- The second task on "Opt-out possibility for EASA" emerged from the implementation of Agency's activities. Agency intention is to produce an opinion to

the Commission to rectify article 7 of Regulation (EC) n° 2042/2003 thus allowing 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 the 28 November 2004.

Following these clarifications, the Group gave a positive opinion on the revised 2004 Rulemaking programme.

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

The Agency reported on the methodology which had led to the draft 2005 Rulemaking programme. The guiding principle was to extract all tasks from the advance planning for which the deliverable (opinion, CS or AMC) was expected to be completed in the course of 2005.

With regard to 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, AGNA members were invited to contribute by providing their views on future priorities. Some members expressed disagreement with the idea that certification specifications and guidance material could now be less important than before. Some members agreed that the criteria indicated in this paper could be used for future prioritisation work and suggested that in the future the Agency tried to substantiate its rulemaking activities by using such criteria. The Agency indicated that in fact it was expecting its advisory bodies to help in such an exercise. It will however further work on this issue with a view to developing a prioritisation policy that can be used for future planning.

Then, the Group examined WP02, and new items were proposed for possible inclusion in the 2005 Rulemaking programme:

- UAV's: Agency agreed to include a task in WP02. For more details, see previous agenda point;
- Harmonisation of wording in the Commission Regulations such as "level of finding": The Agency explained that differences were carried over from JAA system. The Agency intention is to harmonise wording by task MDM.004.
- Develop approval for "parachutes": The Agency answered that a TSO exists for rescue parachutes and that these are considered as parts of an aircraft;
- Advance task 145.012: The Agency considers proposed timeframe appropriate as it has to reconcile two opposite views on this matter.
- Advance task VLA.001: The Agency considered the proposed timeframe appropriate for the completion of the task;
- Advance task MDM.005 on "occurrence reporting" and define the use of the data files: The Agency will raise issue on agenda of next MB meeting.

As for the 2006/2008 advance planning, the Swedish delegation indicated its wish that work be continued on UAV's. It was agreed to add a task for possible future work on this issue. There was no other comment made.

Action 3-3: The Agency will raise issue of "occurrence reporting" on agenda of next MB meeting.

Action 3-4: The Agency will further elaborate on Rulemaking priorities with a view to help AGNA provide an opinion on this question

Action 3-5: The Agency incorporate a task on UAV in the 2006/2008 advance planning

#### **Composition of rulemaking groups - WP04**

The Agency reiterated that the Agency's intention when drafting the rules was to draw on all relevant expertise available in NAA's and industry and, therefore, the 2<sup>nd</sup> paragraph of point II of WP04 was modified to read as follows:

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

One member expressed concerns about the use of CV for the nomination of members of drafting groups. The Agency recalled that this point was added at the suggestion of AGNA itself.

Following these clarifications, the Group gave a positive opinion on WP 04.

#### **Part M regulatory impact assessment on non commercial operations**

The Agency briefed AGNA 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 is 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.

#### **Any other business**

- Approval of material suppliers – WP05 & 05a

The Agency presented WP05 containing a legal analysis of the issue and suggests deleting in Part 21, and in any associated AMC/GM, reference to "material". The UK member presented WP05a that challenged Agency views and arguments that there is a legal basis to regulate such organisations. After discussion of the two options, two members intervened to support the Agency's position.

Action 3-5: Agency to undertake work on the basis of WP05 recommendations

- Approval of organisations for the production of Nav Databases – WP06

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 very probable absence of a legal basis to act in this domain. Possible solutions could be either for Member States to act on their 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 Authorities when issuing their operational approvals;

After an in depth discussion, the Group concluded that the Agency’s involvement would be appropriate and agreed with the suggested process, subject to the consideration of their management.

Action 3-7: Agency to act as set out above

- Follow-up on decision to expedite production of ETSO’s – WP07

The Agency staff presented WP07, the progress made up to now, and explained that rulemaking activities will only focus on parts and appliances standards still used and for which no comparable ETSO existed yet. For the Agency to conclude the accelerated regulatory process, NAAs were invited to submit detailed specifications, in English, of their “National TSOs” so as to allow the Agency to prepare a shortlist of TSOs that need to be converted into ETSOs and initiate the rulemaking work for the missing ones.

Action 3-8: NAA’s provide detailed specifications of Nat. TSOs

Action 3-9: Agency prepares shortlist and, if required so, drafts new ETSOs

- Report on Part 145 Workshop

Agency staff provided an update of the workshop organised on this subject by the Agency on 6 July 2004 in Brussels. It was stated that the refined FAQ on Part 145 will be published on the Agency’s website by November this year. Finally, the Agency sought Group member views on how to better inform their constituents on the application of Agency rules. It was suggested that Member States organise national workshops with the support of the Agency.

- Priorities for new Workshops

The Agency noted the need for guidance on Part 66 and 147. Agency explained that a workshop will be organised when sufficient numbers of questions are received on these subjects.

- State of play on the notification of opt-outs to Regulations (EC) n° 1702/2003 and 2042/2003

The Agency circulated an updated opt-out table and recalled that notifications had to be sent to the Commission services through their Permanent Representation to the EU before 28/09/2004 and 28/11/2004, respectively for 1702/2003 and 2042/2003.

- Use of article 10.3 of Regulation (EC) n° 1592/2002

The Agency indicated that following discussions on this issue in the EASA Committee it was agreed that the Agency draft a position paper and circulate it. Such is the aim of this document.

- 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.

- Report on organisation approval numbering meeting – IN02

The Agency briefed members on the outcome of the meeting. It appeared that for most organisations involved there is no problem at all, provided that they receive the “new number” on time. The Agency was also requested to make some publicity on this issue. Lastly, it informed members that only a few design organisations had problems implementing the new system but arrangements have been made with the Agency’s Certification Directorate to address this issue.

- Rotorcraft and Rotor transmission

UK-CAA made a presentation on the subject. The paper assesses the current situation and provides recommendations for enhancement of existing advisory material. The Agency agreed that there was a safety issue and it would consider expanding the ToR on rotorcraft equipment systems and installation (27&29.010) and critical parts (27&29.006) to cover the issue at stake..

- Flight test NPA’s – IN03

The UK-CAA representative introduced their alternative proposal. One member indicated that he found the alternative quite interesting and mentioned that the present EASA proposal would lead to a reduction of the level of safety for Flight Test in his country ( for example there is no requirements relative to the co-pilot qualifications in the EASA proposal). The Agency recognised that there was a lot of commonality between the present EASA proposal and the alternative presented by UK-CAA. It also clarified that the proposal to approve independently Flight Testing organisations made by UK-CAA did not have a legal basis in the EASA Basic Regulation. One member expressed the same view. The Agency concluded that they would continue with their present proposal and suggested that the comment period could be used to express concerns such as a reduction of the level of safety.

- Fainting passengers

The Danish member observed that Director General Kurt Lykstoft Larsen sent a letter to the Agency on Cabin Environment on board of “new generation” large aeroplanes. The Agency agreed to investigate this issue.

Action 3-10: Agency investigate issue

- Ultralight rotorcraft – IN04

The Agency explained that the point was raised by one NAA and it was thought useful, as agreed during the last AGNA meeting, to circulate the EASA position paper.

**Date of next meeting**

The next meeting shall be held on Tuesday 22 February 2005 at 10.00 at EASA HQ in Cologne.

Actions table

Action #	Description	Focal Point (eventually)	Deadline	Status
2-4	Agency to raise the issue of payment of experts participating in Rulemaking groups at next MB meeting		Asap	O
3-1	Agenda will clearly identify points for decision	A.Tziolas	Next meeting	O
3-2	Agency to forward final version of minutes of 2 <sup>nd</sup> meeting	A. Tziolas	Asap	O
3-3	Agency to raise "occurrence reporting" issue at next MB meeting		8/9	O
3-4	The Agency will further elaborate on rulemaking priorities with a view to help AGNA provide an opinion on this question			O
3-5	Agency to incorporate a task on UAV in the 2006/2008 advance planning		Next meeting	O
3-6	Agency to elaborate work on basis of WP05	P. Corbeel		O
3-7	Agency to act on the Database suppliers	P. Corbeel		O
3-8	NAAs to provide detailed specifications of Nat. TSOs	P. Corbeel	Asap	O
3-9	Agency to prepare shortlist and draft new ETSOs	P. Corbeel	In 2004	O
3-10	Agency investigate fainting passengers issue			O

Participants in AGNA meeting 1-09-2004

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