

European Aviation Safety Agency

ADVISORY GROUP OF NATIONAL AUTHORITIES

MINUTES OF 1ST MEETING 2009

18 – 19 MARCH 2009

Introduction and adoption of the agenda

Mr Kneepkens, the meeting Chair welcomed all participants to the meeting. He said that there were 6 recorded apologies for non-attendance. The new Hungarian representative, Mr Herpai introduced himself, as did the EASA legal representative, Mr Manuhutu.

The draft agenda was agreed with the following additions/notes:

- Feedback from FCL review group on FCL-NPA included as AOB item, together with *IP06* concerning pilot age.
- Proposal for OPS on 4/5 May 2009, by the French representative, together with *IP03*.
- Further to a members' request, the policy discussion concerning the Community Safety Programme would be held on day 2 of the meeting.
- Agenda point concerning feedback on the implementation of EASA rules was introduced by the Chair. These would be noted for future meetings, with the inclusion of a permanent agenda point to cover feedback, etc.
- The Chair said that he hoped to include an agenda subject for specific discussion at the next meeting in June. He intended to devote half a day's meeting time to the task and would be seeking ideas for a suitable topic(s).

Adoption of minutes of the previous meeting and actions arising

Working Paper 00: Minutes of meeting 3-2008

The minutes of the previous meeting, held on 25-26 November were agreed with the incorporation of one change, proposed by the Swedish representative.

The action table was displayed and a verbal debrief was provided on each open item. The table has been updated accordingly.

1. General Introduction

- Report on the outcome of Management Board meeting on the review of the rulemaking process

The Chair reported that the Management Board (MB) had approved the EASA 4-year rulemaking programme 2009-2013. The translation proposal (no translation of items other than opinions) was also agreed, together with the focal point idea. The review of the rulemaking process (NETS project) was accepted in principle; a plan had been defined and an internal task force established, which will report to the MB in June and also keep AGNA informed. Time frames still need to be considered. The Chair added that feedback would also be provided via the Agency's Newsletter, the second edition of which is due to be published in May. An addresses list, to cover all interested parties, is currently being formulated.

The French representative asked whether it would be possible to have a document providing information as to what had been taken into account from all the proposals. Would follow-up measures be put forward in June? The Chair responded that step 1 was MB acceptance; step 2 was TOR definition; step 3 included progress reporting, in June, initially, but that feedback would be provided with respect to article 51, in relation to rulemaking. The French representative queried as to why AGNA had to wait until June for information when it could be provided now. The Chair concluded the discussion by agreeing that the TORs could be circulated now, but that feedback would be provided twice each year. The draft ToR on the NETS project was circulated on day 2 to the AGNA members.

- Report on the improved quality drafting of rulemaking deliverables workshop

The Agency provided a short presentation on the subject of 'improved quality drafting of rules', which is now an accepted subproject of NETS. The next stage of the exercise is for the action items to be agreed, by the end of May. These include:

- Training in plain English
- Provision of a rulemaking style guide
- Definition of legal principles
- Terminology – glossary of technical terms
- Electronic aids
- Peer review/consolidation

The representative from the Netherlands queried as to how best to deal with the existing rules and making changes to them in order to avoid inconsistencies. The Agency agreed that this was a good point which warranted further consideration.

- Extension of the EASA system to aerodromes and ATM/ANS

SES II package (and the extension of EASA) was accepted in COREPER on 17 March 2009. Adoption by Council is anticipated by the end of March. In the meantime the Chair said that the Agency wanted to initiate the formal procedure of setting up working groups to start work on the new areas of competency. He asked AGNA members if their organisations might make proposals for membership by the end of May. The Agency planned to provide an AOB presentation on the subject on the final day of the meeting, when he would raise the membership subject again.

- EU-US BASA agreement

The Agency reported that the document remained, unsigned, as a result of three issues which are blocking progress:

- Checking of Repair Stations directly by FAA: This is not acceptable to the Commission.
- EASA Fees and Charges: Process now in place, aiming for adoption by June 2010. (WG to be formed to look further into the subject).
- Alcohol and drug testing in foreign repair stations approved by FAA: Not accepted by the Commission, because of national legislation requirements.

With respect to the planned road-show, the visit by Mr Tajani was postponed. The Agency is also planning to review the items adopted, pending establishment of the BASA, as US Industry may be benefiting from the situation more than European Industry. US Government plans to discuss the subject with their Industry and diplomatic initiatives will be worked on.

- EU-Canadian BASA agreement

It was reported that the document will be signed within the next few weeks.

- JAA transition

The JAA will cease to exist on 30 June 2009. JAA non-EASA Member States have been sent a letter on the subject, which has also been copied to other MS. The Danish representative asked whether the term 'JARs' would be used in the future. Also what would happen to the JAA website? The Agency answered that JAA non-EASA Member States will use cover regulations which will refer to EASA rules. It was also understood that the JAA website will be maintained by the JAA Training Organisation, but will cease to exist in its present form. .

The Belgian representative understood that the website would be deleted by the end of this year. The French representative asked whether the EASA/JAA training elements would be combined. The Agency commented that it was currently looking at a more structured approach to training and whether it might become a source of income for EASA, although formally there was no link with JAA training organisation.

Action required:

1. The Agency to consider how best to deal with existing rules and making changes to them in order to avoid inconsistencies, as part of the improved quality drafting of rules initiative.

2. Development of the 4-year rulemaking programme for the period 2010-2013

Working Paper 01: 4-year rulemaking programme and preliminary RIAs

The Chair explained the process for the development of the 4-year rulemaking programme 2010-2013 and invited comments on the 2010 priorities; the French representative opened the discussion by asking whether there was a document where rule-making processes were fully described. What were the criteria for selecting new tasks; initially who was allowed to propose them and how would the resourcing aspects be catered for?

The Chair responded saying that the selection criteria would include safety (this was key); legal obligation/responsibility; EC interests; requests from Industry and resources available. The latter would also take into account technical specialist availability. Rule-making deliverables needed to be addressed in a comprehensive manner. Communication on a new rule was important and this needed to be incorporated into the planning process. 'Rules of the game' need to be established; an example might be how to deal with an update to 'Annex 2'. Who would do the work- the Agency, NAA, or a combination of interested parties? It is intended that the procedure for reviewed rule-making process would be available by June 2009, followed by detailed operating procedures at the end of the year.

The French representative remained to be convinced. The Secretary confirmed that the high level Agency processes were included in the MB instructions. Concerning rule-making processes, these were available on the website but are now subject to changes as a result of the NETS project.

The Chair asked the Swedish representative if their previous rule-making concern was addressed by this approach. Sweden agreed in principle, but added that prioritisation needed to be established and the origin of the rulemaking recorded in the programme. This will be built up gradually because of the workload related in retrieving this information for older tasks, and is part of NETS implementation.

In response to a further request for feedback on the paper the following more detailed comments were made:

21.024(b) Subpart J DOA: Mr Weightman asked about progress on this task. The item which concerns DOA is currently on hold, however the legal service has been asked to complete its review. Further discussion of the subject will take place at the Agency's Internal Safety Committee.

Several letters had been received concerning the issue; holding letters had been provided in the meantime.

FCL.002 Updating EASA FCL implementing rules: A number of members asked about learning objectives. It was reported that these will not only be included in task FCL.002, but also in FCL.008 (quicker than '002') It was explained that when reviewing the JAA documents it was realised that a lot of items needed to be changed (especially references to the JAR-FCL structure and the JAR-FCL requirements) and that the final revision could only be progressed after having agreed about the Implementing Rules themselves. It was therefore decided to retain them for this future task. The Belgian representative said that he intended to look into the item further and would report back at a future meeting.

OPS.029 (a) & (b) Child restraint devices: In response to an inquiry the Chair said that the study was now complete and that the results would be published on the website in due time. The topic has also been discussed in the European Parliament. It was now intended to launch NPAs with the aim of introducing rules by 2012.

MDM.030 (a) & (b) UAV further regulation: The Swiss representative queried the apparent late start date (2011). The Agency said that the activity involved several tasks and with respect to Part 21 there were 3 projects. It seems that the main prospect for civil use of UAV is for machines below 150 kg MTOM (therefore outside EASA remit) as a consequence there may not be a strong pressure for the development of EASA rules, hence the interim approach.

OPS.016 (a) & (b) Airships: The French representative said that their LTA Industry were keen to be involved in the drafting process to avoid unnecessary over-regulation. A group approach might be appropriate.

MDM.047 Updating EASA OPS implementing rules: On a members' request, the Agency explained that an Operators update is being considered with respect to Part M alleviated rules for general aviation.

OPS.069 Tethered Balloons: The apparent urgency of this item was queried.

OPS.071 CS-FTL: The urgency of this item with respect to airships and balloons was also queried. The Agency made the point that only commercial application was being considered here.

25.056 (b) Flammability reduction/fuel tank safety: The French representative reported that their Industry was very concerned about the fuel tank safety situation. The Agency responded that they were aware of this; there was still a substantial risk of a major event occurring between now and 2030. FAA had taken action and EASA believed that European NPA action was also necessary (retrofit).

BR.010 Adaptation of BR for airworthiness of small aircraft GA: In response to a question on this subject the Agency explained that the Pre RIA is providing more information on the task at hand and its rationale. Present ELA (European Light Aircraft) process envisaged in NPA 2008-07 was written in the framework of present basic regulation and of Part-21. Such process simplifies certification but does not respond to the expectations of stakeholders. Therefore it is proposed to modify the basic regulation. Also, with respect to MDM.032, the European Commission expressed concern about the operation of Annex II aircraft, in that the 2012 date for the CRD was really too late.

20.002 Electronic Flight Bags: No comments were made concerning the present schedule. Regarding OPS panel membership, it was intended that Mr W Sigl would replace Mr H Meyer.

Pre RIAs: The UK representative announced that he intended to submit comments on these Papers within two weeks. A common comment date of 2 April was agreed for all members.

The Chair thanked the members for their feedback and brought the discussion on the 4-year rulemaking subject to a close by inviting members to submit further comments, which would be accepted up to the end of March.

He also added, in relation to co-operation with the Commission, that the exchange on consolidated opinions needed to be much more formal. The Agency intended to write a letter to the Commission proposing a future procedure, which would be copied to the NAA, in order to achieve transparency.

Action required:

2. AGNA members to submit any further comments on the proposed 4-year rulemaking programme by the end of March.

3. Policy Discussions

- Community Safety Programme (CSP)

Post-meeting note: the CSP is now being called European Aviation Safety Programme

The Agency provided an update presentation on CSP progress. This involves collaboration between the European Commission and the Member States; the elements are being drafted by an informal group and it is intended that the result (draft CSP Manual) will be presented to Member States during the second quarter of 2009. It was pointed out that the presentation was only intended as an update at this stage and that the subject will be debated in June, in the same timeframe as the Management Board strategic discussion of the subject.

The Commission representative added that the subject was a high priority one as it was binding from ICAO. If Europe wanted to set a good example, it needed to show the way. However our problem was the complexity of the situation with both State and European responsibilities.

It was pointed out that some States had already produced their own National plans.

- Extension of the EASA system to aerodromes and ATM/ANS

The Agency provided a presentation on the extension of EASA scope in these areas. It was explained that it was a complex addition with many interfaces and would involve a total system approach. Timescales were anticipated as being 2012 for ATM and 2013 for airports, which would include some 700, significant ones across Europe. There would be no 'double level' approach (EASA or National). The certification process would be tailored using special conditions, adapted to regional circumstances. The applicant could be the owner, or a delegate.

The Chair said that the next stage of the activity would involve the development of EASA Rules and he invited representatives to brief their NAA concerning the need to form Groups and to provide suitable individuals to carry-out this work in due time. The French representative asked as to whether formal invitations would be provided for this. The Chair said that whilst invitations could always be made via meeting minutes, in this case formal requests would be made, supported by terms of reference according to the procedures.

The Management Board would be presented with a strategic planning in June. Also the Commission would be consulted to see how it foresees its involvement in the activity. A decision would also be needed concerning the future role of GASR.

4. AOB

- Planning of future meetings

Information paper 03: Future meetings

The event calendar dates were accepted without comment. The French member raised the subject of their OPS co-ordination meeting dates. The timing was critical due to other meetings in the same

timescale (ICAO OPS meeting and the EASA/FAA International Conference). Meeting dates were finally agreed as 4th and 5th May. EASA staff plan to attend the meeting.

- Possible ways how to demonstrate that NAAs employ sufficient staff

Information paper 04: Paper from the Czech member on the subject

Introducing the paper, the Czech member said that the matter arose during an audit they underwent last June. There is no EASA manpower guidance material on the subject. The size of the problem needs to be identified. ECAC is currently making a study on NAA staffing; ENACT is also reviewing NAA staffing levels with respect to certification activities. Some co-ordination would be beneficial.

The French representative said that NAA staffing levels was an old, complex and politically sensitive subject

The Irish member would be reluctant to specify staff numbers, he would rather set goals to be achieved. The important thing was to do the job. The Swedish representative agreed and preferred to wait for the results of the ECAC study. Portugal and Denmark also supported this approach.

The Agency said that the matter could not be addressed via rules. It depended on too many factors, including the size of the organisation to be overseen. A risk management tool was also needed.

The Belgian member believed that there was a discrepancy in that the NAA were expected to have the necessary staff and at the same time the Agency was establishing a pool of experts.

The member from Finland said that they received a staff numbers comment from the EASA Maintenance Standardisation Team in 2007. They provided a simple calculation to address the comment which was accepted. Also in the past in certain high workload circumstances, Norway, Sweden and Denmark had combined forces with good effect.

Presentation from the Dutch member:

The representative from the Netherlands gave his presentation on the subject. He felt that the ECAC assessment might help to show the way ahead. He had some helpful rules of thumb which members felt should be noted for the future. He commented that EASA already asked maintenance organisations to provide planning information to show that they have sufficient resources.

The Chair thanked the member from the Netherlands for his presentation. He intended that AGNA would revisit the subject at a future meeting and encouraged members to exchange views/information in the meantime.

- Translation of Agency Decisions on CS, AMC and GM

Information paper 05: Paper from the Czech member on the subject

The Czech representative introduced the subject by saying that it was really necessary to improve the text of new regulations and to update existing texts. The Swedish member endorsed his view; they had recently received a request from the association of Swedish operators who want a translation of the NPA-OPS, together with an extension of the comment period to the end of the year.

The Secretary explained that various initiatives are currently being taken to avoid problems with future documents, for example a 200 term glossary is being produced, which will be a common tool for the Agency and the Translation Centre. Eventually the glossary might be re-used by the Commission, Parliament and Council translation services. A request was made to Member States about Operations and Licensing terms earlier this year, however there were few responses. The scope will soon be extended to ATM and aerodromes; a network of focal points will be established.

The NETS WG activities had also generated interest from the Parliament (NPA Executive Summaries translation to be considered).

The Agency legal representative added that he was participating in the Board of CdT in the same manner as other customers. The Chair asked for AGNA assistance about glossary needs to help progress the initiative. He intended to make an inventory at the next meeting of those who had replied to see who was really interested.

The Commission added that the possibility of translation of NPAs was a matter for the Agency, but that mistakes in the IR were the responsibility of the Commission. The Commission needed to be made aware of errors so that they could be corrected. Germany had expressed some concerns and had flagged up some discrepancies. DG TREN had taken the subject up for the future, which should help; special procedures had also been developed for the correction of mistakes.

- Composition of the FCL review group

Following the necessary preparatory work and a review of comments the FCL CRD addressing the proposals will be put on circulation.

The date of the 1st group meeting is scheduled to take place from 30 March to 3 April.

The Belgian representative commented that no reply was made to the request for an extension to the FCL comment period. It was also observed that all members of the core group were members of the former LST. There are new members in the review group making the group size 25, including 4 Doctors. The Chair replied that the Agency was always cautious about extending comment periods because it eats up the limited adoption time. Concerning numbers, the Agency said that the Group must remain manageable. The Doctors were there to review the medical matters; there will be a sub-group. Taking into account the comments, these specialists were needed.

The Commission confirmed the priority for IR with respect to OPS and licensing, however their development should not be detrimental to safety, or transparency. Discussions will be held with the Agency to ensure that the process is fair.

The French member added that four Doctors seemed rather too many to him.

- Extension of the OPS comment period

The representative from France said it was his understanding that 'opt-out' would be possible beyond the 2012 date. Based on this and taking into account the new structure, the changes and the need to inform Industry, could this be envisaged?

The Chair believed that it was most likely that there would be an extension, but that there was a need to talk with the Commission, but not define a timescale yet. This may become an issue with regard to the summer (new Presidency, etc.) A decision was anticipated shortly.

- Feedback on implementation of EASA rules

The Greek member commented with the revised part-M it would be good to avoid the proliferation of rules targeted for specific sub sectors in the future as this increases complexity for the inspectors. Standardisation was needed across disciplines.

The Agency understood the concern; standardisation was a good idea, but is likely to have unwanted effects. Some things are not possible to standardise.

The Commission emphasised the importance of the task MDM.032 in this context. Some relief to manufacturers of non-complex aircraft was needed.

- Pilot Age

Information Paper 06: Paper from the Austrian member on the subject

The Austrian member presented his Paper. He cited the difference between ICAO recommendations and standards in this context. The Agency agreed that the subject was an interesting test case, particularly as EASA did not have competence in the area yet. It was really necessary to deal with ICAO to gain an authentic interpretation. For the future part-TCO would apply.

The Chair agreed that there was no fixed answer and that the question was how to interpret Article 33; ICAO needed to be consulted on this. He confirmed that it was a National matter as the Agency currently lacks the competence. Austria might also like to contact ABIS on the subject. He added that how to deal with ICAO recommendations/standards needs to be addressed as a generic issue, hence for EASA it was a matter of principle.

The French member agreed that ICAO recommendations were not binding. Compliance with ICAO meant compliance with standards. States can impose a more severe standard than ICAO.

The Commission agreed with the Austrian position; further clarification on TCO was needed, together with discussions with the Agency.

The member from the Netherlands believed that it was necessary to be clear as to how to handle relevant ICAO recommendations when carrying out rulemaking.

A number of other general points were made and in conclusion it was agreed that MS should contact ICAO in cases of this nature with co-ordination being undertaken by the Agency.

- Irritating matters

The Chair said that responses had been received from the Irish, Dutch and Polish representatives. These would be put on the Agenda for the next meeting.

- Final points

The Chair said that he wanted to have a strategic discussion of half a day held at the next meeting. He planned to reserve the morning of 24th June for this purpose. Possible discussion topics could include:

- Authority requirements
- Sub-part G issue
- Consolidated amendments
- Part-M: US registered aircraft in Europe

Further, the Chair announced that the thematic meeting on Alternative AMC on 27 May could be attended by NAA experts, subject to availability of places. He also announced that the next EASA Committee meeting will be held in Brussels at 10.00 on 24th April and that the main items include the change of the Basic Regulation to include the noise certificate, annual standardisation report and the consolidated version of IR 1702 and 2042.

Actions required:

3. Members to exchange views/information on the NAA staff numbers topic in anticipation of a further AGNA discussion on the subject.
4. AGNA members to provide assistance with the translation of the OPS/FCL glossary, as already requested.

The meeting was closed at 1245 hours on 19 March 2009

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Actions table

| Action # | What | Who | When | Status | Comments |
|----------|---|---------|-----------------------------------|--------|--|
| 3-1-08 | Final comments on IP01 invited in preparation for 14 January thematic meeting. | AGNA | 5 December | C | |
| 3-2-08 | Provide information by e-mail of their top 3 most irritating items in rulemaking. | AGNA | ASAP | C | Responses received from Irish, Dutch and Polish representatives. Will be put on Agenda for next meeting |
| 3-3-08 | Develop AMC material to address task M.025 – foreign CAMO issues. | Agency | ASAP | O | Task started this year. Comment from the Netherlands to be added. France may need to seek an exception. Matter ongoing |
| 3-4-08 | Include tasks on “approach with vertical guidance” and “TCAS-ETSO” in the programme for deliverables in 2009 | Agency | ASAP | O | ‘Vertical guidance’ included in NPA. ‘Single sky’ aspects still open. |
| 3-6-08 | Determine whether retrofit of new ETSO standard to existing fleet is warranted. | Agency | ASAP | O | In rulemaking programme. Collision risk – retroactive approach being explored further |
| 3-7-08 | Issue an NPA on de-icing. | Agency | In line with programme timeframes | O | French Pau accident significant. Agency following up on matter. |
| 3-8-08 | Check EFB rulemaking situation and report back. | Agency | Next meeting | C | On Agenda |
| 3-9-08 | Provide any additional comments on tasks to be included in the 4-year rulemaking programme | AGNA | Within two weeks time | C | Actioned |
| 3-10-08 | Communicate the publication dates of the NPA on OPS/FCL | Agency | Early December | C | Provided NPA dates policy also changed to ‘quarters’ |
| 3-11-08 | Invite AGNA to provide a list of NAA focal points through which national Approved Organisation names and addresses may be obtained. | Agency | ASAP | C | Letter on subject sent by Mr Goudou will be copied to Members |
| 3-12-08 | Include the subject of “demonstrate that NAAs employ sufficient staff” on agenda of the next meeting | Agency | Next meeting | C | On Agenda |
| 1-1-09 | Consider how best to deal with existing rules and making changes to them, in order to avoid inconsistencies, as part of the improved drafting of rules initiative | Agency | ASAP | O | |
| 1-2-09 | Submit any further comments on proposed 4-year rulemaking programme. | Members | 31/3 | O | |

| Action # | What | Who | When | Status | Comments |
|----------|---|---------|--------------|--------|----------|
| 1-3-09 | Exchange views/information on the NAA staff numbers topic in anticipation of a further AGNA discussion on the subject | Members | Next meeting | O | |
| 1-4-09 | Provide assistance with the translation of the OPS/FCL glossary needs, as already requested | Members | ASAP | O | |

Legend & codes:

O: Open

C: Closed (The items indicated as closed will disappear from table in the next minutes)

~: continuous task

WP: Working Paper

IP: Information Paper

X-X-200X: meeting reference – item - year

Participants in AGNA meeting

EASA Member States

(Members)

Laurence Fontana-Jungo

Switzerland

Sotirakis Stamou
Greece

Edgars Gindra
Latvia

Ari Vahtera
Finland

Georges Thirion
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Nina Beate Vindvik
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Wieslaw Wojtal
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José Silvero Rocha e Cunha
Portugal

Ingrid Linden
Sweden

Graham Weightman
United Kingdom

Walter Gessky
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Jean-Michel Delval
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Marc Haerynck
Belgium

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Non-EASA Member States

(Observers)

Phillipe Gaillard
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Athanassios Tziolas assisted by Peter Harper