



European Aviation Safety Agency

MINUTES OF MEETING

Subject AGNA Meeting 01-2010
 Date 18th March 2010
 Location 04/049 EASA Cologne

Organised by EASA

List of Participants

	<p>AGNA Members</p> <p>Franz Graser, Austro Control, Austria Eleonora Dobрева, Civil Aviation Administration, Bulgária Vítězslav Hezký, Civil Aviation Authority, Czech Republic Ole Lynggaard, Civil Aviation Administration, Denmark Marve Allik, Estonian Civil Aviation Administration, Estonia Georges Thirion, Direction Generale de l'Aviation Civile, France Dirk Sajonz, Luftfahrt-Bundesamt, Germany Sotirakis Stamou, Civil Aviation Authority, Greece Sandor Herpai, Civil Aviation Authority, Hungary Petur Maack, Civil Aviation Administration, Iceland Fabrizio D' Urso, ENAC, Italy Edgard Ginda, Civil Aviation Agency, Latvia Bob Rieder, CAA-NL, Netherlands José Silvério Rocha e Cunha, INAC, Portugal Manuel Sánchez Cano, Spanish Civil Aviation Authority, Spain Ingrid Cherfils, Swedish Transport Agency, Sweden Graham Weightman, Civil Aviation Authority, United Kingdom Isabelle Welter, Direction de l'Aviation Civile, Luxembourg</p>	<p>AGNA Observers</p> <p>Rob Peters, Eurocontrol, Belgium Asmir Kruhović, Federal Civil Aviation Department, Bosnia and Herzegovina Tea Đaćanin, CCAA, Croatia Ozcan Basoglu, Ministry of transport and communication, Turkey</p>
	<p>Attendees</p>	<p>Experts or alternative attendees</p> <p>Ante Juric, CCAA, Croatia Susanna Metsälampi, Civil Aviation Administration, Finland Susanne Hofman, Luftfahrt-Bundesamt, Germany Mara Dame, Civil Aviation Agency, Latvia Claude Luja, Direction de l'Aviation Civile, Luxembourg Stephan Eder, Federal Office of Civil Aviation, Switzerland Enes Gocmen, Ministry of transport and communication, Turkey Ali Osman Yaman, Ministry of transport and communication, Turkey Angela Bines, Civil Aviation Authority, United Kingdom</p>
<p>Apologies</p>	<p>Philippe D'Homme, Civil Aviation Authority, Belgium Brian Skehan, Irish Aviation Authority, Ireland Wieslav Wojtal, Civil Aviation Office of Poland, Poland Martin Nemecek, Civil Aviation Authority, Slovakia Einar Schoelberg, Civil Aviation Authority, Norway Nikolai Tasev, Civil Aviation Agency, Macedonia</p>	

Agenda 1-2010	
1	Welcome introduction
2	Adoption of the agenda
3	Adoption of the minutes of the previous meeting <ul style="list-style-type: none"> ▪ Adoption of meeting 3-2009 minutes ▪ Review of action table
4	General introduction <ul style="list-style-type: none"> ▪ Update on 1st extension ▪ Update on 2nd extension ▪ Performance Review Regulation ▪ Agency working with SESAR ▪ Update on "European Aviation Safety Programme" ▪ CAT/COM definition ▪ Workshop on Part 66 ▪ Update on studies conducted by rulemaking ▪ Units of measurement ▪ Flight Testing
5	4-year Rulemaking Programme 2010-2013 <ul style="list-style-type: none"> ▪ State of implementation of the 4-year Rulemaking Programme 2010-2013
6	Preparation of the 4-year Rulemaking Programme 2011-2014 <ul style="list-style-type: none"> ▪ Presentation on how to use the pre-RIAs and the relationship with the ranking list ▪ Review and discussion of the pre-RIAs for new tasks and the ranking list ▪ Recommendations from AGNA members on tasks to be deleted, advanced or postponed
7	Feedback on implementation of EASA rule
8	AOB <ul style="list-style-type: none"> ▪ Planning of future meeting ▪ Results of Management Board discussion on Rulemaking Procedure ▪ Update on results of survey on General Medical Practitioner issuing medical certificates for LAPL holders ▪ ATCO questionnaire

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

1. Opening and Welcome
The Chair informed about the participation of EUROCONTROL (military side) as observer. He welcomed all the attendees.

2. Approval of the Agenda
<p>The following agenda items were added under: point 4 "General introduction":</p> <ul style="list-style-type: none"> ▪ Performance Review Regulation ▪ CAT/COM definition ▪ Workshop on Part 66 ▪ Update on studies conducted by rulemaking ▪ Units of measurement ▪ Flight Testing <p>Point 8 "AOB"</p> <ul style="list-style-type: none"> ▪ Update on results of survey on General Medical Practitioner issuing medical certificates for LAPL holders ▪ ATCO questionnaire
Conclusion/Action: N/A

3. Adoption of meeting 1-2010 minutes + Review of action table
<p>The meeting 3-2009 minutes were agreed with the incorporation Mr Weightman suggestions, the UK AGNA member.</p> <p>Review of action table</p> <p>1-1-09: Open</p> <p>3-1-09 to 3-6-09: Remain open until the publication of the NPA on TCO</p> <p>3-7-09: Closed. The members' feedback was taken into account where possible. The final 4-year 2010-2013 Rulemaking Programme was published on EASA website on 17 December 2009.</p> <p>3-8-09: Open. The Agency investigated findings raised by Member States. They are related to operations of Annex II aircraft and not for "foreign aircraft or commercial air transport" as indicated in the action point. The Dutch member said that findings were raised on the implementation of Part 66 for Annex II aircraft in the Netherlands. He recommended handling the legal issue faced and not raising findings to NAAs as part of Standardization inspections. The German and Austrian members promised to provide further information on the subject.</p> <p>3-9-09: Closed. EASA paper on the "Commercial Air Transport" topic is going to be presented at the next EASA-NAA partnership meeting.</p>
Conclusion/Action: 1-1-2010: DE and AT members' provide clarifications on action item 3-8-09

4. General Introduction

- Update on 1st extension

The Agency gave a presentation on the subject. The subsequent discussion focused on the following points:

1. For OPS rules, the general idea is to create specific paragraphs to reflect the performance requirements of the different type of aircraft (e.g. aeroplanes and helicopters)
2. For OPS rules, differences are going to be listed against EU-OPS and JAR-OPS3
3. AT member raised the fact that the resulting text of OPS and FCL rules differ from the proposed rules in the related NPAs. He therefore suggested organising workshops to explain the changes to stakeholders. The Agency informed that workshops are envisaged for OPS and AR/OR, and will consider the organisation of a workshop on FCL.
4. Greek member advised about the need for coordination between OPS and FCL rules in the area of simulators (FSTD). Also he recommended for a faster approval or at least similar timeframe as for operators. The Agency replied that coordination is already in place between OPS and FCL and with the OSD and AR/OR rule. The Agency expressed its thanks for the suggestion on the approval process for simulators.

- Update on 2nd extension

The Agency gave a presentation on the subject. The subsequent discussion focused on the following points:

1. The Dutch and Austrian expressed concerns for the fact that the normal process was not followed and regretted the lack of formal consultation. The German member asked how the "fast-track" mechanism fits with the Basic Regulation. The Agency responded that ATM rules have to be adopted by the end of this year. The "fast-track" approach was requested by the Commission after a proposal from the SES committee. The working approach was accepted by the Agency's Management Board. The formal consultation will be in the ICB (industry representatives), through a hearing and by the SES committee.
2. The Dutch member said that the transposition of existing ATM rules would mean that the "missing" requirements for NAAs would not be part of the "fast-track" packages, and asked whether they would go into the second phase. The Agency replied that ATCO licenses do not contain authority requirements. For the ATM rules, the rulemaking group discusses the possibility for applying a risk based oversight programme. Therefore all, ensuing changes will have to be fully justified. The Dutch member said that if there are substantial changes to existing texts, it will be far beyond copy/paste and without formal consultation. The Agency said that the Management Board indicated that there should not be substantive changes and the Agency will adhere to that. However, and only when necessary, changes will be proposed in the opinion/s and the Commission will have the last say on whether to incorporate them in the Commission proposal.
3. The Agency replied that the fast-track approach will not be applied to aerodromes and that the ATM opinions will be based on ESARR (EUROCONTROL Safety Regulatory Requirements) that were transposed into SES rules.

- Performance Review Regulation

The Agency informed that an Implementing Rule on Performance Indicators is being developed by the Commission in cooperation with EUROCONTROL and EASA. This package foresees the establishment of a "Performance review" body. The Agency will contribute to the definition of safety performance indicators (KPIs) and the monitoring thereof, and will review the economic KPIs to ensure that they do not compromise safety. The Commission plans to have a final draft by end of March, for adoption in May. Performance regulation is a SES rule and therefore does follow the EASA process. The exact content and role of EASA in this task are still under discussion.

Responding to the Dutch member request on the consistency with the work of EASP, the Agency said that in the first phase it will include indicators drafted by EUROCONTROL that need to be aligned to fit with Community law. Indicators part of the EASP programme will feed this package in a second phase.

▪ Agency working with SESAR

The Agency indicated that SESAR finances a lot of projects to improve ATM but that their activities go beyond this discipline. SESAR has developed regulatory, standardisation and certification roadmaps where EASA involvement is required. The regulatory roadmap is adopted by the SES committee. Many items in the regulatory roadmap affect safety and we need to synchronize this roadmap with the Agency rulemaking programme. Synchronization is not easy due to the two different governance systems.

The other discussion point is certification where EASA will have to certify some of the new pan-European systems.

Finally, when implementing SES, there is an obligation in the Basic Regulation to obtain EASA advice. EASA needs to get involved early, and therefore it is working with SESAR and EUROCONTROL to identify the control points and have a common approach on safety cases.

In this respect, the Agency briefed AGNA members on the need for timely information to the right individuals in the NAAs/NSAs. The Management Board agreed with the Agency proposal for extending an invitation to AGNA members to identify focal points on a voluntary basis within their authority for the following 6 domains:

- Airworthiness
- Air Operations
- Flight Crew Licensing
- Environmental Protection
- ATM
- Aerodromes

The Focal Points would be granted access to CIRCA "AGNA" and the "Terms of Reference" interest groups and would receive all correspondence in the context of the rulemaking process for information only. The AGNA member would remain responsible for the tasks specified in article 10.3 of the Rulemaking Procedure. The Agency noted that this arrangement would be optional and several AGNA members indicated that their organisations would not be taking up the offer as they considered their current arrangements appropriate."

▪ Update on of "European Aviation Safety Programme"

The Agency gave a presentation on the subject. The subsequent discussion focused on the following points:

1. The Agency informed that the manual is currently being developed and will be made available to NAAs when it has a mature draft. The descriptive part of the manual contains the role and responsibilities of the different actors in the EU system.
2. Responding to French member request, the Agency said that it is aware of the ECAST risk assessment methodology and that it will be taken into account. Also the involvement of existing groups, like ESSI, in the work of EASP is being looked at.
3. The Agency clarified the meaning of the "total system engineering approach" with the example whereby components for airborne / ground-equipment should be considered as part of one package, and not as individual rules as is done today.
4. Replying to Swedish member request for examples on impacts of climate change on safety, the Agency gave as example "thunderstorms" and should check whether the assumptions for certifying aircraft are still applicable.

▪ CAT/COM definition

AGNA received a presentation on the subject. During the subsequent discussion the members highlighted that the Regulation 2042/2003 refers to 1008/2008 on "licensed air carriers" when it comes to the definition of CAT. Regulation 1008 excludes A-to-A flights. Conversely, EU-OPS include A-to-A flights. This issue is known by the Agency and will be corrected with enter into

force of the IR on OPS and the subsequent amendments of 2042 (MDM.047). Some Member States developed a matrix classifying commercial and non-commercial organisation. The German member offered to share their paper with EASA member states.

- Workshop presenting the three opinions on changes to “Part-66/-147”

The members thanked the Agency for taking the initiative to organise the workshop of 16 March and for the positive outcome. The Agency took note of the following points:

1. NAAs need a consolidated version of the three opinions to prepare for the upcoming EASA committee.
2. The impact on license holders, NAAs and training organisations could not be valued at the moment due to the major changes introduced and the limited time provided to assess the modifications proposed in the opinions.
3. Ensure consistency between definition/limits of the aircraft categories in Part-21 (MDM.032) and Part-66 for the L and the B3 licenses.
4. L-license are too complicated and the need for such a licence is questioned
5. Inconsistency in the implementation dates, 28th of September 2010 (end of opt-out for licences for other than large aircraft not used in commercial air transport) versus the new proposed transition period of 3 years for the new licences (B3 and L) for lower categories of aircraft.
6. Interface issues between OSD, AR/OR and Part-21/-66
7. OSD includes the possible development of a Certification specification for the determination of the minimum syllabus of maintenance certifying staff type rating training.

In conclusion, AGNA members requested a position paper to clarify the above points and a proposed way forward. This paper should also include a proposal on how to progress the type training element in the various packages that are currently being proposed in Part-66/-147, OSD, MDM.032 and Part-21. The applicability dates should also form part of this analysis.

Post-meeting note: The Agency produced an additional regulatory impact assessment covering the above points, and the Commission posted in CIRCA a consolidated version of the 3 opinions which were discussed in the EASA committee meeting on the 29 April. Any further actions will be taken in the preparations of the next EASA committee of October 2010

- Update on studies conducted by rulemaking

The Agency agreed to publish the list of ongoing rulemaking studies

- Units of measurement

Responding to the UK member request, the Agency said that in their view the finding was covered by the EU directive on the “unit of measurements” and the Agency’s policy for drafting of Certification Specifications. The Agency indicated that this will be reflected into the table of findings in relation to EASA’s rules that is kept and is discussed at the specific AGNA meetings with NAA ICAO focal points.

- Flight Testing

The Austrian member informed about his concerns that the Rulemaking working regarding NPA 2008-20 determines the qualification for flight testing pilots on the definition that flight testing is automatically considered to be commercial operation although the clear definition and explanation is still open and also an open item within AGNA.

Conclusion/Action:	1-2-2010: The Agency to consider the organisation of a FCL workshop 1-3-2010: The German member to share paper on matrix classifying commercial/non-commercial organisations. 1-4-2010: The Agency to publish the list of ongoing rulemaking studies
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5. Agenda Item: 4-year Rulemaking Programme 2010-2013

- State of implementation of the 4-year Rulemaking Programme 2010-2013 - IP 01: Progress report

The following considerations were raised:

1. The CRD with EASA responses to AGNA/SSCC comments has been published in CIRCA.
2. The UK CAA member wished seeing the "harmonised" tasks with FAA and/or TCAA.
3. Responding to the FR member, the Agency clarified that task BR.010 will start later this year. It goes beyond the fine-tuning of Part 21, which necessitates some changes to Basic Regulation. It is linked to the study on "microlight" that is assessing the lessons learned for small aircraft in EASA remit.
4. The AT member proposed to apply a "fast-track" process for ICAO Annex 16 amendments. According the rulemaking procedure, an accelerated process can be applied for urgent tasks and Guidance Material. The normal process gives the opportunity to the public to check and accept the outcome of the ICAO process.

Conclusion/Action:	N/A
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6. Agenda Item: Preparation of the 4-year Rulemaking Programme 2011-2014

- Presentation on how to use the pre-RIAs and the relationship with the ranking list
 1. The NL member indicated that the pre-RIAs contain a proposal for action, and that there is no indication of the resources required for a new task.
 2. The UK member thanked the Agency for the new format that is a good attempt to provide better transparency and a more structured approach. He liked the concept of two categorisations and agrees that the advantage of the three severity levels (A, B and C) is that high significance scores for tasks graded B and C in areas other than safety, with the exception of the next comment, cannot take priority over tasks with the highest significant safety level (A).

But it should be clear that rulemaking to satisfy a regulatory obligation, even "administrative action", should not get a higher priority as the highest significance safety issue and a higher priority than most. This doesn't match with the concept of safety as EASA's highest priority.

The significance scores lead to a fair degree of arbitrariness within each significant level. For example, an accident safety recommendation with an associated research study and harmonisation issues counts for far more than a recommendation of the same safety significance without these extra factors. This is always the danger of mechanising a decision that should rely heavily on judgement. So it's very important that these scores remain "guidance only" and do not unduly influence the final ranking.

3. The FR member supported the UK position. He expressed his appreciation for the good work and commented that the methodology might lead to lower scores for cases where mitigating measures exist.
4. The AT member indicated that pre-RIAs should not be produced for regulatory obligations. He asked for the basis for developing those questions? Liked the new pre-RIA concept provided that minor changes are made.

The Agency thanked the members for the encouraging feedback and said that the pre-RIA methodology is going to be fine-tuned after this round of consultation. The Agency drew the attention to the following points:

1. Pre-RIAs will provide a score to support the programming but do not generate a decision
2. Pre-RIA will propose options, but final decision on the course of action is taken when rulemaking is initiated and will be part of the full RIA.
3. With regard to resources, the workload estimation is part of the assessment and will be considered during the establishment of the draft programme

<ul style="list-style-type: none"> ▪ The existence of AIB recommendations should lead to a higher score, though the relative weights should also be taken into account. The results of the pre-RIAs relative to each <ol style="list-style-type: none"> 4. other are going to be further fine-tuned 5. The “regulatory obligation” question was intended to be used only for 1st and 2nd extension issues with a clear deadline. The Agency will revisit the use of this question based on members’ comment. The option of simply not developing pre-RIAs for regulatory obligations will be considered. 6. The fact that safety issues should prevail over certain legal obligations seems to be a valid point ▪ Review and discussion of the pre-RIAs for new tasks and the ranking list <p>The NL and AT members indicated that they had provided feedback in written.</p> <p>Responding to the AT member request for clarification on how task MDM.055 & MDM.060 are linked to AR/OR, the Agency responded that they are only applicable to FCL and OPS rules at first.</p> <ul style="list-style-type: none"> ▪ Recommendations from AGNA members on tasks to be deleted, advanced or postponed <p>No further feedback was received. The Agency invited the members to submit comments in writing for all items: pre-RIAs and make proposals for deletion, advancement or postponement of tasks by the end of March</p>	
Conclusion/Action:	1-5-2010: AGNA to comment on pre-RIA by end of March 1-6-2010: AGNA to make proposals for deletion, advancement or postponement of tasks by the end of March

7. Agenda Item: Feedback on implementation of EASA rule	
<p>With respect to standardization inspections, the Agency noted the AT member advise for equal treatment of NAAs and a common interpretation of the Regulations.</p>	
Conclusion/Action:	N/A

8. Agenda Item: Any Other Business	
<ul style="list-style-type: none"> ▪ Planning of future meeting - IP 03: Future meetings <p>Next meeting takes place on 17th-18th November 2010.</p> <p>The FR member informed meeting about DGAC plans to organize a 1 day meeting for interested NAAs to exchange on some OPS topics and concepts resulting from the OPS comment review. An invitation is going to follow.</p> <p>Finally, the Agency indicated the planning of the workshops on the 1st extension rules are going to be communicated in written.</p> <p>It was discussed and requested by the AGNA members that workshops to the following areas are necessary (at the moment):</p> <ul style="list-style-type: none"> • AMC • CRD on FCL - CRD • CRD on MED – CRD • CRD on OPS • CRD on AR/OR CRD • CRD on OSD <ul style="list-style-type: none"> ▪ Results of Management Board discussion on Rulemaking Procedure <p>The Agency reported on the outcome of the meeting with regard to the process for the 2nd extension rules, the MB agreement for making use of EUROCONTROL technical expertise and the</p>	

<p>review of the rulemaking process to see if it is possible to simplify and make use of NAA/industry resources.</p> <p>The members raised the following considerations:</p> <ol style="list-style-type: none"> 1. Fast track should be limited to ATM. 2. A lot of work has already been done as part of NETS, so why starting a new task to review the rulemaking process <ul style="list-style-type: none"> ▪ Update on results of survey on General Medical Practitioner (GMP) issuing medical certificates for LAPL holders <p>The Agency responded that vast majority of responses indicate that under their national law the GMP would not be allowed to issue a medical certificate for LAPL holders at this stage.</p>	
<ul style="list-style-type: none"> ▪ ATCO on line questionnaire <p>The Agency advised the AGNA members, who have not yet responded to the survey, to do so.</p>	
Conclusion/Action:	N/A

9. Closing	
The Chair thanked everyone for attending. The meeting closed at 16:00 hrs.	
Conclusion/Action:	N/A

List of actions:					
Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)	Comments
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	Part of the NETS project
3-1-09	Review the working terms "Flight Authorisation" and "Operational Authorisation"	Agency	ASAP	O	This action remains open until the publication of the NPA on TCO
3-2-09	Review the impact of 83bis agreements on Part-TCO;	Agency	ASAP	O	This action remains open until the publication of the NPA on TCO
3-3-09	Evaluate the way Third Country Operators (TCO) related information could be disseminated to Member States;	Agency	ASAP	O	This action remains open until the publication of the NPA on TCO

3-4-09	Assess the oversight instruments for TCO Over Flights and link it with the NAAs and EUROCONTROL	Agency	ASAP	O	This action remains open until the publication of the NPA on TCO
3-5-09	Review requirements for Member States and guidance for the issuing and oversight of pilot authorizations;	Agency	ASAP	O	This action remains open until the publication of the NPA on TCO
3-6-09	Take Cooperative Oversight for TCO into account.	Agency	ASAP	O	This action remains open until the publication of the NPA on TCO
3-7-09	Review feedback and adjust the 4-year 2010-2013 Rulemaking Programme where appropriate	Agency	December 2009	C	The members provided feedback and final programme was adopted and published on the website in December 2009.
3-8-09	Investigate whether findings to some NAAs were "related to foreign aircraft or for activities other than commercial air transport" and to provide an explanation after having consulted its legal department	Agency	ASAP	O	The Agency asked for more clarifications on this point. The German and Austrian member agreed to provide a paper. See Action 1-1-10.
1-1-10	Provide clarifications on action item 3-8-09	German and Austrian Members	ASAP	C	Paper was provided on the 26 th of May.
1-2-10	Consider the organisation of a FCL workshop	Agency	ASAP	O	
1-3-10	Share paper on matrix classifying commercial/non-commercial organisations.	German member	ASAP	O	

1-4-10	Publish the list of ongoing rulemaking studies	Agency	ASAP	O	
1-5-10	Comment on pre-RIA	AGNA	by end of March	O	
1-6-10	Make proposals for deletion, advancement or postponement of tasks	AGNA	by the end of March	O	

Next meeting:
The next meeting is arranged for 16/06/2010 at 14:00 hrs in Meeting room Barcelona, Jugendherberge Köln-Deutz, Siegerstr. 5, 50679, Cologne