



European Aviation Safety Agency

MINUTES OF MEETING

Subject AGNA Meeting 03-2010
 Date 17-18 November 2010
 Location Room 04/049, EASA premises, Cologne

Organised by EASA

List of Participants

	AGNA Members	AGNA Observers
Attendees	<p>Franz Graser, Austro Control, Austria Benoit van Noten, Civil Aviation Authority, Belgium Eleonora Dobрева, Civil Aviation Administration, Bulgária Marve Allik, Estonian Civil Aviation Administration, Estonia Georges Thirion, Direction Generale de l'Aviation Civile, France Sotirakis Stamou, Civil Aviation Authority, Greece Einar Orn Hedinsson, Civil Aviation Administration, Iceland Brian Skehan, Irish Aviation Authority, Ireland Manuel Sánchez Cano, Spanish Civil Aviation Authority, Spain</p> <p>Edgars Gindra, Civil Aviation Agency, Latvia Henrik Gaduff, Office of Trade and Transport, Division of Civil Aviation, Liechtenstein Bob Rieder, Inspectie Verkeer & Waterstraat, CAA-NL, Netherlands Martin Nemecek, CAA, Slovakia Graham Weightman, Civil Aviation Authority, United Kingdom Dirk Sajonz, Luftfahrt-Bundesamt, Germany</p>	<p>Rob Peters, Eurocontrol, Belgium Tea Đačanin, CCAA, Croatia Alfonso Arroyo Fernandez, European Commission, Belgium</p>
		Experts or alternative attendees
Apologies	<p>Fabrizio D'Urso, ENAC, Italy Veljko Basaric, Civil Aviation Directorate, Serbia</p>	

Agenda 3-2010	
Day 1 17 November 2010	
Strategic Discussion on theme "Impact of the 2nd extension on the future work of AGNA"	
14:00-14:15	Welcome
14:15-15:45	Presentation on the below themes <ul style="list-style-type: none"> ▪ General presentation on how the 2nd extension is affecting the functioning of AGNA ▪ ATM Part of AGNA ▪ Focus on SESAR (mission and tasks)
16:00-17:30	Discussion and feedback from AGNA
Day Two 18 November 2010	
1	Welcome introduction
2	Adoption of the agenda
3 Opinion	Adoption of the minutes of the previous meeting Review of action table Working paper 00: Minutes of meeting 2-2010
4 Information	General introduction <ul style="list-style-type: none"> ▪ Update on 1st extension <ul style="list-style-type: none"> ▪ Feedback on AR/OR Conference ▪ Update on 2nd extension <ul style="list-style-type: none"> ▪ Cooperation between EASA and Eurocontrol ▪ Explanation on the next steps for Rulemaking ▪ Coordination of AR (CRD 2008-22, 2009-02) and OR in ATM area ▪ Rulemaking groups in ATM
5 Information	4-year Rulemaking Programme <ul style="list-style-type: none"> ▪ State of implementation of the 4-year Rulemaking Programme 2010-2013 <ul style="list-style-type: none"> ▪ Existing remit ▪ First extension

	<ul style="list-style-type: none"> ▪ Second extension ▪ Update on the adopted 4-year Rulemaking Programme 2011-2014 <ul style="list-style-type: none"> ▪ Extension of ACAS II mandate ▪ Working schedule for the 4-year Rulemaking Programme 2012-2015 <ul style="list-style-type: none"> ▪ Presentation of the key milestones for development of the 4 year Rulemaking Programme <ul style="list-style-type: none"> ▪ Timeframe for main Deliverables (Pre-RIAs, Ranking List) ▪ Further Drivers (EASAC, ICAO GA, SESAR) ▪ Task 25.035 Cabin environment - Air quality – way forward <p>Information paper 01: Progress report (to be handed over during the meeting)</p> <p>Information Paper 02: Extension of ACAS II mandate</p> <p>Information Paper 03: Task 25.035 Cabin environment</p>
6 Information	<p>Feedback on implementation of EASA rules*</p> <p>Information paper 04: reflecting eventual input from the Members</p>
7 Information	<p>Update on of the Review of the Rulemaking Procedure</p> <p>Information Paper 05: Update on the work of the group</p>
8 Opinion	<p>Alternative Means of Compliance – change of MB procedure</p> <p>Working paper 01: Paper on the subject</p>
9 Information	<p>Update on Article 83 bis Chicago Convention: transfer/delegation State of Registry regulatory responsibilities</p>
10 Information	<p>AOB</p> <ul style="list-style-type: none"> ▪ Planning of future meetings <p>Information paper 06: Future meetings</p> <ul style="list-style-type: none"> ▪ Feedback on the Continuous Airworthiness Workshops held in September 2010 ▪ Update on Article 14: Flexibility Provisions ▪ Article 1(2): State aircraft

* 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.

	<ul style="list-style-type: none"> ▪ Applicability of AMC 20 (EWIS)
	Information Paper 07: Paper from German Member
	<ul style="list-style-type: none"> ▪ List of banned carriers
	Information paper 08: Query from Bulgarian Member
	<ul style="list-style-type: none"> ▪ ESSI and its subgroups and the link to rulemaking activities (action 2-1-2010)
	Information Paper 9: Paper on the subject
	<ul style="list-style-type: none"> ▪ Cross reference table classifying commercial/non-commercial organisations
	Information Paper 10: Paper from German Member on the subject

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

1. Opening and Welcome

The Chair welcomed the participants, followed by a tour de table.

2. Approval of the Agenda

The first subpoint of point 2 of Agenda item 4 was changed to read *“Cooperation between EASA and EUROCONTROL on ATM-IR”*

The following agenda items were requested/ added:

- Suborbital Aircraft
- Update on the theoretical examination of pilots
- Fast track second extension
- Non-effective use of NAA translation focal points by Translation Centre
- Ideas for new form for AGNA
- Dictionaries for ATM/ADR

The following items were asked to be shifted to an earlier time during the meeting:

- “Further drivers” (see item 5) to be delivered at 12 noon.
- German paper on AMC 20
- German paper on cross-reference tables

The Chair formally advised to verbally report on Agenda item 6 “feedback on implementation of EASA rules”

Conclusion/Action:

N/A

3. Adoption of meeting 2-2010 minutes + Review of action table

The minutes of the 2-2010 meeting were agreed with changes suggested by:

European Commission: proposed changes to p. 13 with regard FTL OPS 055, which reads as follows:

“Is there any information point on the definition of commercial operations? EC's response: currently there is no new information on the question. Regarding local flights, EC is finalising a draft decision for a derogation based on EU-OPS that will address the issue of commercial flight performed by aero clubs that should cover those needs. The paper should be sent to Member States before adoption. In parallel, EC has asked EASA to work on a proposal for proportionate rules and the issue would be discussed within the context of the implementing rules.”

Review of action table:

3-1-09 to 3-6-09: This action remains open until the publication of the NPA on Third Country Operators

1-3-10: Action closed. See IP10 of AGNA 3-2010, part of agenda for day 2.
(Post –meeting note: action open, IP will be discussed at AGNA 1-2011)

2-1-10: Action closed. Presentation part of agenda for day 2.
(Post –meeting note: action open, presentation foreseen for AGNA 1-2011)

2-2-10: Action closed. The issue addressed is the fact that the existence of an EASA Form 1 does not directly imply that the component is airworthy. The Form 1 is just a release of the

maintenance which has been ordered. During the Standardisation meeting, reference was made to task 145.017 "Control of suppliers" because it was thought that this task could also address the issue of the link between the EASA Form 1 and the airworthiness of the component. However, further evaluation has shown that this is probably not the better task to address this issue. It would be better to address it through task MDM.076 "Technical Records", for which Agency is currently preparing the pre-RIA.

Minutes of the Standardisation meeting distributed as follow-up document. Full version also available on SINAPSE.

2-3-10: Action open. Agency still evaluating which task would better address the issue.

2-4-10: Action open. To be discussed in the strategic discussions in March 2011 meeting

2-5-10: Action open. Letter requesting comments to be sent out with 3 weeks notice for MS.

2-6-10: Action open. Feedback from AGNA to be handled.

2-7-10: Action open. Communicate finding on Art. 83 bis at AGNA 1-2011.

Conclusion/Action:	N/A
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4. Agenda item: General introduction

▪ **Update on 1st extension**

The Agency gave oral feedback on the results of the AR/OR Conference. The Chair mentioned that the next Conference should be taking place on 25 November 2010 on the CRD for Part-CAT and Part-SPA. The following points were noted:

- FR/SE Members suggests having NAA meeting to find a solution, since countries have different views to collaborative oversight. Chair replied that a workshop on the subject is considered for beginning 2011. Several members appreciated having such a workshop beginning of next year.
- IT Member commented on "subcontracting CAMO". BE member was in support of IT comment, as subcontracting of CAMO is, according to him, against safety rules. Agency suggested inserting reactions during the CRD consultation. For OPS rules, differences are going to be listed against EU-OPS and JAR-OPS3.
- DE Member recommended reviewing the transitional periods in the draft regulations because of the high administrative workload and the limited time for national authorities and organisations to change to the new rules. Agency replied that the transitional measures will be reviewed during the Comitology process.

▪ **Update on 2nd extension**

▪ **Cooperation between EASA and EUROCONTROL**

The Agency gave an oral statement on the subject, which was commented as follows:

- Currently there are working arrangements with EC/EUROCONTROL and the work plan for 2010 has been agreed, whereas the final stages of WP 2011 are being discussed. A contract between Commission and EUROCONTROL also finances the activities. Rulemaking, standardisation, certification, safety advice to SESAR, and safety analysis functions, the latter extended to ATM have begun in cooperation.

EUROCONTROL observer confirmed this, specifying that it was about "growing two cultures together".

- AT Member points received the following responses from the Chair:
 - Standardisation visits with regard to ATM? The Agency's plan will be communicated to the Management Board in due course, as part of its planning cycle.
 - ANSP draft regulation? Will be discussed at the December SSC meeting but date of

adoption not yet planned.

- o Does working arrangement between EUROCONTROL and EASA cover transfer of responsibilities? No, because it is already addressed at the level of the amended Basis Regulation that has transferred competencies to the EU and the executive level.

▪ **Explanation on the next steps for Rulemaking**

The following clarifications were provided to the meeting participants:

- With regard the draft ATCO IR, NL Member informed that at last EASA Committee it was agreed to take into account feedback from Member States and adopt the rule through a written procedure.
- On various Members request for the schedule of the future ATM opinions and why delivery is foreseen in 2012, the Agency explained that this was the date set in the law, and that the fast track mechanism, which the Member States wanted, would allow legal obligations to be fulfilled on time, but that compliance with the Basic Regulation by the new set of draft regulations would need more time, therefore formal adoption would go beyond 2012. The relevant tasks ATM.001 to ATM.004 were used to deliver the fast-track opinions but the Terms of Reference was adjusted to deliver the fully-fledged opinions where the timeline was extended by a year.
- FR and CH Members expressed concerns about the use of the rule structure of the 1st extension rules to the SES II rules. Furthermore, CH Member opposed restructuring of existing IR in Airworthiness rules (task MDM.055 and MDM.060) before gaining experience with FCL/OPS structure. Agency explained that these tasks had no time-limit yet, ATM and ADR rules would have a similar structure as 1st extension rules so the Total System Approach also applies to it. The idea is to have similar structures for all in a couple of years. The Agency suggested providing additional explanations at the next AGNA meeting. AT Member supports the change of the rule structure in the airworthiness field if enough time is given to NAAs and Industry to adapt.
- On UK Member request for clarification what is meant with the term “safety related personnel”, the Agency explained that the Basic Regulation requires a license for the ATCO profession, but clear requirements should be provided to the various professions to apply the rules correctly. The example of ATSEP people was given.
- AT Member inquired what the Agency role would be in the future Network Management Function (NMF) and the Functional Airspace Blocks (FAB), the Agency explained that the plans for NMR foresee that the oversight and service provision functions would be separated. Centralisation would be the case only for Pan-European services, which were designed to be available to all. The Agency has no executive competence for FAB.
- FR Member was interested in the ICAO annexes the Agency intended to transpose in the area of ANS. The Agency replied that Annexes 3, 10, 14 and 15 were the most likely candidates, whereby direct references would be replaced by common rules. Nevertheless, there was no need for the EU to define e.g. technical standards for services.
- The BG Member wanted to know how to go about standardisation visits if no rules existed yet and how this would take place in the context of the “Total System Approach”. The Agency explained that visits were limited to those areas where rules existed. When the Basic Reg. is be fully implemented, the Agency will look into these aspects and visits will be adapted accordingly.

▪ **Coordination of AR (CRD 2009-22, 2009-02) and OR in ATM area**

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

- AT Member mentioned that AR CRD contained non-safety issues which could be the object of audits in NAAs.
- FR Member remarked that the new areas of AR/OR draft regulations only applied to OPS/FCL, not ATM/ADR rules. The Agency confirmed that there would be an effort to amend AR/OR only once, and in the 2nd phase, the requirements of the new fields

would be incorporated. Though, the general part of AR/OR would be subject only to minimal changes.

▪ **Rulemaking groups in ATM**

The Agency made a presentation on the issue and clarified that the authorities are free to nominate military experts in rulemaking groups.

On the issue of military experts involvement in rulemaking activities, EUROCONTROL AGNA observer stated that following the participation of EASA's Rulemaking Director to previous MAB meetings, a methodology was developed in regards Military participation in EASA's Rulemaking activities. To that extent, EUROCONTROL Officials of the Directorate of Civil/Military ATM Coordination, participate in the EASA ADR Groups. Furthermore EASA Officials will participate in a EUROCONTROL Project where AMC's in the form of EUROCONTROL Specifications will be developed for Military Aerodromes with the aim to be consistent as much as possible with future EC ADR legislation.

Conclusion/Action:	3-1-10: Agency to organise workshop on collaborative oversight 3-2-10: The Agency to provide explanations on the use of the new rule structure in the Airworthiness domain.
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5. Agenda Item: 4-year Rulemaking Programme 2010-2013

The Agency gave presentations on the following points and discussions followed:

▪ **State of implementation of the 4 year rulemaking programme 2010-13**

➤ The meeting noticed the good progress achieved in the implementation of the current programme.

▪ **Update on the adopted 4-year Rulemaking Programme 2011-2014**

➤ FR and AT Members inquired if there will be a single and/or dual release for task 145.012 and if there is a change of rule through the opinion. Agency answered that the opinion, which is due to be published in November is in internal consultation, but it is felt that there is a need to correct misunderstanding in certain areas, for example CAMO responsibilities, whereby these should be clarified in task M.029. A pre-RIA will be issued very soon and can be reviewed by AGNA. The task 145.012 would be finished without change of rule.

➤ NL Member inquired why there were no deliverables after June/July in graph in presentation. Agency acknowledged mistake in graph, which does not represent deliverables of 3rd and 4th Q.

Post –meeting note: corrected version submitted as follow-up doc

▪ **Extension of ACAS II mandate**

➤ NL Member wanted to know how many “near-misses” have occurred and mentioned that document is very vague on this. Does the financial crisis have any impact on the importance of this task? Agency answered that the number are not in the hundreds, but happens daily for VLJs. The importance of the issue may not be as high as 5-6 yrs ago.

➤ AT stressed that numbers would be needed for the Pre-RIA and provided written comments to IPO2, which were circulated as a follow-up document after the meeting. Agency replied that they would be provided.

➤ DE asked what kind of larger airplanes were concerned. Agency answered that it looks at aircraft below 5,7 T and 19 seats, it was difficult to draw the line, but sailplanes were included.

➤ IR Member supported the proposal, Irish authority wanted to put these requirements to concerned aircraft using moral persuasion, but manufacturers demand high prices for instalment of equipment. Fact is that concerned aircraft numbers are growing quickly.

- UK promised to circulate comments on IPO2. *Post-meeting note: comments were received after the meeting and uploaded on CIRCA as follow-up document.*
- The Agency responded that it would take into account the feedback when producing the pre-RIA.

- **Working Schedule for the 4-year Rulemaking Programme 2012-2015**

- **Presentation of the key milestones for development of the 4 year rulemaking Programme**

- **Timeframe for main deliverables**

- UK and FR asked why the Rulemaking Programme was approved in July, usually not approved until November by MB, and if MB had to approve. The finalised Rulemaking Programme is adopted by the Executive Director, and annexed to the Agency Work Programme, for MB adoption.

- **Multidisciplinary measures – numbering of tasks (new item)**

- UK and CH the parallel-run option, introducing the task numbering only for new tasks that have not been communicated UK suggests to introduce a “search function”, whereas CH asks to streamline tools used, such as CIRCA and SYNAPSE. The Agency assured that AGNA will be consulted when ultimately looking for a more professional tool with traceability and search functions and it wanted to look for more collaborative platforms for stakeholders.
- AT, ES, FR, IT, NL Member expressed concerns about moving away from current numbering system, especially when the task is for several regulations or when there is no pre-RIA for new tasks. Also, it would be confusing. Agency replied it aims to better synchronise and to find a way to publish the related rules at the same time.
- To ATs question what happens if Opinion and ED Decision are published at the same time, Agency said there was no possibility this would happen on the same day, as the Agency’s Opinions lead to Regulations and these precede the related soft rules (CS, AMC and GM).
- The Agency clarified that the rules concerned would be identified in a further column in the table.
- Agency stressed that the suggestion to adapt numbering came from the advisory bodies, that most AGNA Members seem in favour and that experience gathered during “parallel-run” option would help. The new numbering would apply only to MDM tasks in the beginning until the new concept is fully understood.

AGNA agreed on the principle of the proposal and recommended going for the “parallel-run” with focus on MDM tasks.

- **Further Drivers**

- **Impact of European Aviation Safety Plan**

- On FR Member request, the Agency explained that NGAP (Next generation of Aviation Personnel) is an ICAO initiative aiming to develop a policy for training of aviation professionals. NEXTGEN is a US programme comparable to SESAR
- NL Member wanted to know how climate change would affect on aviation

safety. According to Agency, the plan aims to identify impact on the atmospheric hazards that are taken into account in the certification specifications, such as lightning, gusts and icing.

▪ **Impact of SESAR**

- FR and NL wanted to know what would happen if workload would increase dramatically because of urgent tasks from SESAR. Agency replied it was necessary to re-prioritise and, eventually, postpone tasks existing tasks. It is for this reason that “caveat” has been introduced in the Rulemaking Programme. Additionally, the Agency would rely on the working arrangement with EUROCONTROL for carrying out some of the tasks. The NL Member suggested keeping a margin in the 2012-2015 Rulemaking Programme for SESAR tasks.
- The Chair thanked Mr Morier for the presentation and work. He informed the meeting that Mr Morier has changed position and now responsible for the Internal Occurrence Reporting System. He would therefore no longer participate in AGNA, but would present the “occurrence reporting system” to AGNA at a future meeting.

▪ **ICAO**

- FR wanted Agency to confirm that Annex 19 was dedicated for SSP (only States not Industry). According to the Agency, discussions were ongoing and a first draft prepared by the ICAO Secretariat contains only “a consolidated “copy paste” of SMS provisions currently presented in other Annexes”. The Agency and several EU stakeholders already opposed to this approach in principle. To date, however, the ICAO Secretariat has not communicated its first draft. In terms of process, the EU would like to ensure that the new annex will be developed with a wide participation of States and relevant partners (such as EASA, the European Commission) at an early stage. There are some indications that the ICAO Secretariat and some ICAO Contracting States would, on the other hand, favour a restricted group to develop the Annex.

▪ **Task 25.035 Cabin environment**

The Chair indicated that there would be no presentation, but that questions based on the IP could be raised.

- AT and DK Members enquired whether the Agency proceed with a new rulemaking task? The Agency confirmed that pre-normative research would be pursued and that it would monitor developments, but that no RM task was foreseen for the time being. The ED decision that will be published to close the task will record this.

▪ **Suborbital Aircraft (SoA)**

- A Member inquired about a Regulation on this issue. The Agency answered that it plans to implement the work in accordance with the new framework for giving the lead to stakeholders.
- IT wanted to know what areas are concerned with this issue, and FR asked if the task was in the inventory.
- The Agency replied the aircraft was an ordinary plane, so every domain was concerned and that the task was new so not in programme yet, but would be initiated by a pre-RIA.

Conclusion/Action:	3-3-10: Agency to issue pre-RIA for task 145.012 to be reviewed by AGNA 3-4-10: Agency to produce pre-RIA for "SoA".
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6. Agenda Item: Feedback on implementation of EASA rule	
Chair reminded the Members of the usefulness of this agenda item and asked for inputs:	
<ul style="list-style-type: none"> ➤ NL Member informed that industry wants more time for providing feedback on NPA 09-2010 and NPA 10-2010. The Agency was aware of the issue and it would therefore extend the public consultation periods. ➤ Furthermore, Members warned that NAAs might get lost in the many proposals, had difficulties to understand them and that the rules may become a safety hazard themselves. NAAs have also difficulties to explain the content of the rules to industry and EASA staff themselves were not always available or did not provide answers in time. It is felt that there are too many rules and stakeholders are no longer able to follow. Agency suggested to dedicate the March meeting a.o. for stakeholder communication – how to make RM process more transparent and visible. The Agency said that it is important that NAAs explain the rules and that one idea would be to make use of NAA focal points trained in the subject matter of the rules. This should be dealt with in parallel to the review of the RM procedure. ➤ SE Member informed that certain NAAs face issues with article 1(2) implementation because of the findings raised. This point is addressed under AOB. Furthermore, NAAs need guidance on how to handle foreign aircraft with permit to fly but with no STC. 	
Conclusion/Action:	3-5-10: Agency to organise for AGNA strategic discussion on stakeholder communication at AGNA 1-2011

7. Agenda Item: Review of the Rulemaking Procedure	
➤ Chair made a presentation on the subject. No further issue was raised.	
Conclusion/Action:	N/A

8. Agenda Item: Alternative Means of Compliance	
A presentation was given and the following points were raised:	
<ul style="list-style-type: none"> ➤ AT wanted to know the timeframe for comments. ➤ UK highlights the increased importance of AMCs in the performance based approach to rulemaking. The same comment was given for the standardisation process. Furthermore, he asked whether the same approach would be used for revisiting the AMCs in the initial airworthiness area. ➤ As to the question of the working method, the Agency clarified that article 4 will propose that "Agency" remains the standard working method, but flexibility for a group is possible. Current Article 4 already has this possibility for GM. ➤ FR asked why the urgency for these changes, and whether they could not be dealt with in conjunction with the more general review of the rulemaking process that is currently taking place. DE supported this, asked for clarification on the status of AMC, and stated that although the paper only mentions AltMoC, in fact the simplified procedure was applicable to all AMC. Status of AMCs should be discussed before discussing procedures. DE also opposed that AltMoC may be accepted on a national level. DE is concerned that this may cause problems and uncertainty, and gave the example of an AMC to Part 66. He felt that the applicability of AMCs has changed since first BR compared to what is proposed under the draft OPS/FCL rules and that this would make things more unclear for the stakeholders. ➤ BE insisted that AMCs should not be dealt with using a 'fast-track' procedure, since they are too detailed. There is a risk that decisions are taken by one single EASA staff member. ➤ NL suggested dealing with the issue as part of the work of the Rulemaking process review group. However, he agrees with a simplified procedure for AltMoC because it will result to a high workload for the Agency. He also questioned why the possibility for the simplified procedure had been open for all AMCs. 	

- One Member stressed that care must be taken, since process involved moving from one AMC to another, so validity changed. Type ratings would be accepted in a different manner from one authority to another. Some accept only new, some also the old, problematic to change manuals. Cannot continue using different generations of AMCs with different codings.
- The Agency took note of the above opinions and responded that AltMoC have existed and been accepted on a national level since BR 1592/2002; the Agency is only making a proposal to harmonise a process which has been applied for years. This proposal is being made now to ensure that it will be ready when the 1st extension IRs are in place; this does not mean that a more general revision of the Rulemaking process could not follow later on. The Agency also stressed that only the process to include with AltMoC in the Rulemaking activity was being discussed; the discussion on status of AMC/AltMoC was another issue. The Agency reassured that public consultation would be part of the simplified process, and it highlighted that it was always possible to revert to the 'standard' procedure, and also that "layers" could be added to the process. In conclusion, AGNA Members were invited to give feedback by 31st January after which the Agency would handle and process the file further.

Conclusion/Action:	3-6-10: AGNA Members to provide feedback on Alt MoC paper by 4 February
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9. Agenda Item: Applicability of AMC 20 (EWIS) - Agenda item under AOB was advanced to take place here, as DE Member had to leave earlier

The Agency presented the following facts orally:

AMC is certainly not a rule, it is a presumption of compliance to a rule, and that flexibility was provided by the system for anyone to propose another way of complying with rule. Not allowing national AMCs would be impossible, since anyone can propose them. In the context of the standardisation activity, compliance checks performed to the rules but when a national AMC exists then EASA checks against the national AMC. AMCs can apply to more than one rule (e.g. EWIS, part 145, CAMO MA 706).

- AT asked why EWIS, since it was a safety related issue, was an AMC, why not a rule? Problematic when AMC is applied as a rule, there are problems also with findings against an AMC.
- DE asked how to distinguish a rule from an AMC? Suggests analysing some AMCs to upgrade them to rules? Reminded that this has consequences on the licensing of maintenance engineers.
- IT stated that part 145 pt 30 applied to training in general, however there are 2 cases of specific training, whereas 4179 was standard.
- NL wanted confirmation that an AMC cannot exist without a "hook" in a rule. AMC 20s should have a reference to the rule, put something in the preamble or in the technical publications. FI did not agree, according to the Member, AMC does not need a "hook", but needed to know where Agency derived competence.

Agency took note of all these interventions and answered that it had changed Part 145 and Part M for competence based training. Also, for Fuel Tank Safety the syllabus was not put in the rule but in the AMC.

Conclusion/Action:	N/A
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10. Agenda item: Update on Article 83 bis Chicago Convention

A presentation was given to this item, whereby the Agency further explained its position and reacted to main issues raised in the position papers of IR, IT, NL and UK previously provided to the Agency. The main points made by the Agency can be summarized as follows:

1. Full transfer of MS SoR aircraft regulatory oversight to third Country SoO:
 - SoO fully assumes aircraft airworthiness responsibilities of SoR
 - MS SoR relieved from those responsibilities:
 - Aircraft excluded airworthiness requirements Reg. 216 + IRs:

- 3rd Country CoA

1.1. Partial transfer to Third Country not foreseen in Reg. 216

- Intent + context of Art. 4(1) Reg. 216:
 - Full transfer: „airworthiness regulatory oversight“
 - Article 31 i.e. Regulations 1702 + 2042: in particular EASA CoA + ARC
- Reg. 1702+2042: set of safety/technical interlinked rules cannot be partially applied – only can be duly applied as a whole

1.2. Full transfer from 3rd Country into EU MS is possible:

- Aircraft subject airworthiness requirements Reg. 216 + its IRs: EASA CoA + ARC

2. Transfer of SoR responsibilities between MS:

- Neither contemplated
- Nor necessary
- Nor compatible/consistent with EU-EASA system
- No safety justification for such transfer

2.1. EU-EASA system is complete + comprehensive

2.2. Oversight and enforcement ensured irrespective in which MS aircraft operations occurred

3. Transfer of SoR responsibilities using Article 83bis:

- Exclusive responsibility of EU MS SoR and within their discretion power as Contracting states Chicago Convention
- Transfer methodology not regulated in Reg. 216
- Nothing prevents MS SoR to use 83bis
- EASA no competences implementation Art. 83bis

3.1. EASA standardisation responsibilities:

- limited to monitor correct MS application Reg. 216+IRs

3.2. In case of a transfer, EASA role limited to monitor:

- Whether a transfer took place, and
- Correct EU rules application when the aircraft is transferred back into the EU regulatory system

Reactions of the AGNA Members:

1. Partial transfer between EU MS and 3rd Countries is permitted (mainly IR) based in the following reasons:

- This possibility was discussed between MS and IR insisted on the possibility of partial transfer at the moment of adoption of Regulation 1592. This provision has been kept in Regulation 216 without any change.
- Partial transfer has been the practice in the past years and no safety concerns arose.
- The issuance of the CoA allows the MS SoR to have control on the aircraft to ensure the commercial interests of the owners/lessors and other interested parties on the asset (aircraft).

2. Transfer possibility between EU MS should be maintained (mainly NL, DE, IT, CH) based on the following reasons:

- German court decision on the Überlingen case mandates transfer.
- Liability risks for the MS SoR while the aircraft is operated by a company located in a different MS under the oversight of the latter.
- The intra-EU transfer could be simplified.

Conclusion/Action:

N/A

11. AOB

▪ **Planning of future meetings**

The Next AGNA meeting will take place on 22 -23 March. It was agreed to hold the June meeting on the 21st and 22nd June 2011. Agreed with AGNA to extend Day 1 of next meeting, to start already at 12.00 and devote time for the strategic discussion until 15:00, afterwards, the AGNA meeting could start.

The Chair informed that a thematic meeting for the "Review of the RM procedure" will eventually be needed sometime between March and June. The Agency will inform AGNA in due time on the process.

▪ **List of banned carriers**

The following preliminary response was provided by the EC after the meeting to the main elements of the BG query. An official letter is to be sent at a later date

1. Regulation (EC) No 2111/2005 applies only to Commercial Air Transport, i.e. it does not apply to non-Commercial Air Transport for instance aerial work, private or ferry flights.
2. The Member States are fully competent for taking decisions regarding non Commercial Air Transport operators applying for flight permits in the airspace under the Member States responsibility. When taking a decision in that respect, they may take into account the decisions of the European Commission regarding operators involved in Commercial Air Transport, in particular when evidence has been collected that the competent authorities of the State of Operator and/or State of Registry is considered unable to discharge its responsibilities towards States Parties to the Chicago Convention. This information can be found in the regulations updating the list of air carriers subject to operating restrictions within the European Community, see

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:306:0044:0067:EN:PDF>

The competent authorities of Bulgaria may also liaise with the Commission for further details.

▪ **Article 1(2) state aircraft**

Agency informed orally that it is currently drafting a paper to clarify its position on the right implementation of this provision on the basis of the current practices in the Member States (e.g. dual use) as reported by S and C Directorates and several NAAs. The paper should be ready to be delivered to AGNA by the end of this year, the latest beginning 2011.

▪ **Article 14**

Four documents were presented during an oral statement of Agency. Feedback had been received, the template was supported subject to minor revisions. As to the definition of "repetitive exemption, UK noted that there was an updated version available. AT remarked as to box with footnote 11 that it should also be noted that it is for voluntary use.

Agency informed that it would create a permanent folder in CIRCA for Art. 14 documents.
Post meeting note: this folder in CIRCA has been created and is accessible to all AGNA Members

▪ **Feedback on continuous Airworthiness Workshops**

Related to CRD2007-09 - Task 145.012 Single & Multiple Release (workshop held on 30 September 2010):

- Feedback showed concerns from some NAAs and certain members of Industry.

- More clarification needed on CAMO responsibilities.
- Agency will issue an Opinion not proposing any changes to the current rules / AMC / GM.
- Agency still believes there is a need to address the issue of maintenance release but it will be more useful to address those issues together with the CAMO responsibilities during the task M.029, scheduled to start in 2011. A Pre-RIA will be published soon.

Related to NPA 2010/09 - Task M.014 Contracting of Continuing Airworthiness Management activities (workshop held on 30 September 2010). Two issues are addressed here:

- More clarification on how a CAMO can subcontract under their quality system, and the level of involvement and oversight.
- Possibility for Operators in Commercial Air Transport to contract a CAMO, with additional requirements on the operator and compensating measures. Some NAAs opposed to this possibility.

Consultation period of the NPA finishes on 31 December 2010.

Related to NPA 2010/10 - Task MDM.047 Alignment of EC2042 with Basic Regulation (workshop held on 01 October 2010). Main issues addressed:

- Introduction in EC2042/2003 of the new concepts of "Complex Motor-Powered Aircraft" and "Commercial Operations" contained in the Basic Regulation.
- Some NAA and certain organisations proposed the Agency to issue an opinion against the Basic Regulation since they understood that the concept of "Complex Motor-Powered Aircraft" should be applied only to operations and not to airworthiness.
- Introduction of requirements for Third Country aircraft when used by EU operators or by persons residing in the EU. This includes wet lease, code share and private aircraft.
- In order not to make Part-M too complex, these requirements are contained in a new Part-T.
- Not possible to introduce a Third Country aircraft in an AOC for commercial operations. Opposition from associations of airlines and some NAAs.

These were the Members comments:

- NL: agrees that issue is complex, which is why a separate Part E was inserted. Asks for a table for GM as well as for the possibility of Agency to issue an opinion against the Basic Regulation if there is an obvious mistake.

Due to lack of time, the below agenda points will be put on next meeting's agenda :

- ESSI and its subgroups and the link to Rulemaking activities (IP09)
- Cross-reference table classifying commercial/non-commercial organisations (IP10)
- The following had been proposed to be put on agenda under AOB during Day 1
 - Non-effective use of NAA translation focal points by Translation Centre, quality of translations
 - Ideas for new form for AGNA
 - Dictionaries for ATM/ADR

Conclusion/Action:	<p>3-7-10: Agency to plan a thematic meeting for the "Review of the RM procedure" 1st or 2nd Q of 2011.</p> <p>3-8-10: Agency to submit paper on article 1(2) state aircraft to AGNA.</p> <p>3-9-10: Agency to create a permanent folder in CIRCA for Art. 14 documents. <i>(See post meeting note above)</i></p> <p>3-10-10: Agency to publish Pre-RIA on task M.029.</p> <p>3-11-10: Agency to place suggested agenda items on agenda of next meeting.</p>
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12. Closing

The Chair thanked everyone for attending. The meeting closed at 17.00h.	
Conclusion/Action:	N/A

List of actions:					
Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)	Comments
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
1-3-10	Share paper on matrix classifying commercial/non-commercial organisations.	German member	ASAP	O	DE member has provided the paper (IP 10) – Due to lack of time at AGNA 3-2010 will be discussed at AGNA 1-2011

2-1-10	Deliver a presentation on ESSI and its subgroups, and the link to rulemaking activities at a next AGNA meeting.	Agency	At next meeting	O	Due to lack of time at AGNA 3-2010, the presentation was postponed till AGNA 1-2011
2-3-10	Publish an FAQ on task 145.017 and link with EASA Form 1 on the EASA website.	Agency	ASAP	O	Linked to action 2-2-10 FAQ cannot be produced until evaluation of which tasks would better address the issue completed
2-4-10	The issue of a combined effort between NAAs and EASA in communicating the regulatory framework to stakeholders to be discussed at one of the next meetings	Agency	At a next meeting	O	It is proposed to include this topic in the next strategic discussions at AGNA 1-2011
2-5-10	Send letter to AGNA requesting comments from members on experience with the implementation of the article 83bis.	Agency	ASAP	O	Letter to be sent with 3 weeks notice for MS
2-6-10	Handle feedback from AGNA on article 83bis and prepare paper that will be submitted to the lease companies to solicit their views.	Agency	ASAP	O	Linked to action 2-5-10 Letter to be sent out after AGNA feedback
2-7-10	Communicate findings on article 83bis in a future AGNA meeting in 2011.	Agency	At a next meeting	O	Linked to action 2-5-10 Agency to handle this task
3-1-10	Agency to organise on collaborative oversight	Agency	Beginning 2011	O	See agenda item 4 (update on 1 st extension)

3-2-10	The Agency to provide explanations on the use of the new rule structure in the Airworthiness domain	Agency	At a next meeting	O	See Agenda item 4 (Explanation on the next steps for Rulemaking)
3-3-10	Agency to issue pre-RIA for task 145.012 to be reviewed by AGNA	Agency		O	
3-4-10	Agency to produce pre-RIA for "SoA".	Agency		O	
3-5-10	Agency to organise for AGNA strategic discussion on stakeholder communication at AGNA 1-2011	Agency	Next meeting	O	Planned as agenda item in draft agenda for AGNA 1-2011
3-6-10	AGNA Members to provide feedback on Alt MoC paper by 4 February	AGNA	Next meeting	O	Received feedback from UK and NL so far
3-7-10	Agency to plan a thematic meeting for the "Review of the RM procedure"	Agency	1 st or 2 nd Q of 2011	O	To be planned in agenda of AGNA 1-2011 or 2-2011
3-8-10	Agency to submit paper on article 1(2) state aircraft to AGNA	Agency	Beginning 2011	O	
3-10-10	Agency to publish Pre-RIA on task M.029	Agency		O	
3-11-10	Agency to place suggested agenda items on agenda	Agency	Next meeting	O	Planned as agenda items in draft agenda for AGNA 1-2011

Next meeting:
Date: AGNA 1-2011: 22-23 March 2011
Location: Cologne: EASA premises, room 4.049

MoM prepared by	Athanassios Tziolas	Date 20-1-2011	Signature
MoM reviewed by	EASA ED Office	Date 1-3-2011	Signature