



European Aviation Safety Agency

MINUTES OF MEETING

Subject AGNA Meeting 02-2011
 Date 21 June 2011
 Location Barcelona room, Jugendherberge Cologne-Deutz, Siegstr. 5,
 50679 Cologne

Organised by EASA

List of Participants

	AGNA Members	AGNA Observers
Attendees	<p>Franz Graser, Austro Control, Austria Didier Ledur, Civil Aviation Authority, Belgium Eleonora Dobрева, Civil Aviation Administration, Bulgaria Vladimir Nekvasil, Civil Aviation Authority, Czech Republic Georges Thirion, Direction Générale de l'Aviation Civile, France Hardicsay Gábor, Civil Aviation Authority, Hungary Einar Orn Hedinsson, Civil Aviation Administration, Iceland Brian Skehan, Irish Aviation Authority, Ireland Fabrizio d' Urso, ENAC, Italy Bob Rieder, Inspectie Verkeer & Waterstraat, CAA-NL, Netherlands Tom Egil Herredsvela, Civil Aviation Authority, Norway Ovidiu Traichioiu, Civil Aeronautical Authority, Romania Manuel Sánchez Cano, Civil Aviation Authority, Spain Laurence Fontana-Jungo, Federal Office of Civil Aviation, Switzerland Graham Weightman, Civil Aviation Authority, United Kingdom</p>	<p>Tea Đačanin, Civil Aviation Agency, Croatia Tamara Archuadze, Civil Aviation Agency, Georgia Sergiu Marzac, Civil Aviation Administration, Moldova Mileta Nicolic, Civil Aviation Authority, Montenegro Veljko Basaric, Civil Aviation Directorate, Serbia Haydar Yalçın, Ministry of Transport and Communication, Turkey Alfonso Arroyo Fernandez, European Commission</p>
		Experts or alternative attendees:
		<p>Bodo Heinzl, Federal Supervisory authority for Air navigation services, Germany Susanna Metsälampi, Civil Aviation Administration, Finland Ole Lynggaard, Civil Aviation Administration, Denmark Victor Nath, Civil Aviation Authority, Czech Republic Vladimir Nekvasil, CAA, Czech Republic Katarina Wigler, Swedish Transport Agency Tomasz Kądziołka, Civil aviation office, Poland Yves Hängärtner, FOCA, Switzerland H. Emre Balli, Civil Aviation Authority, Turkey</p>
Apologies	<p>Sotirakis Stamou, Civil Aviation Authority, Greece Martin Nemecek, Civil Aviation Authority, Slovakia</p>	

Agenda 2-2011
21 June 2011

0	Welcome
1	Introduction & Adoption of the Agenda
2	Adoption of the minutes of the previous meeting Review of action table Working paper 00: Minutes of meeting 1-2011
3	4-year Rulemaking Programme <ul style="list-style-type: none"> ▪ Performance Report on 4-year Rulemaking Programme 2011-2014 Information paper 01: Performance report (room document) <ul style="list-style-type: none"> ▪ Update on existing remit + feedback and opinion on airworthiness tasks in the draft 4-year Rulemaking Programme 2012-2015
3 Information/Opinion	<ul style="list-style-type: none"> ▪ Update on 1st extension + feedback and opinion on OPS/FCL tasks in the draft 4-year Rulemaking Programme 2012-2015 ▪ Update on ATM/ANS + feedback and opinion on ATM/ANS tasks in the draft 4-year Rulemaking Programme 2012-2015 ▪ Update on ADR + feedback and opinion on ADR tasks in the draft 4-year Rulemaking Programme 2012-2015 The above update items will be presented – presentations will be distributed as follow-up documents Working Paper 01 – draft Rulemaking Programme 2012-15
4 Information	Feedback on implementation of EASA rules* <ul style="list-style-type: none"> ▪ Austrian Member's proposals see Information paper 03 (of AGNA 1-2011): listing input from the AT Member on the three topics below: <ul style="list-style-type: none"> ▪ EASA positions on: <ul style="list-style-type: none"> ▪ Recommendation for issuance of Airworthiness Review certificate M.A.901 (Annex II of AT paper) Information Paper 02 : EASA Position Paper on Annex II <ul style="list-style-type: none"> ▪ EU Member States not mutually recognized in the area of JAR-FCL ▪ The status of Part-66 licences issued by Non-EU Countries which have signed a Working Arrangement with EASA and applying EU IRs (2042) used in Part-145 approved organisations within the EU for the issuance of Certification authorisations
4 Information	Information Paper 03: Status quo list of non EASA states in respect of mutual recognition of certificates, formal statement <ul style="list-style-type: none"> ▪ Conclusions of the last EASA NAA Partnership meeting ▪ Link between Rulemaking and Standardisation

* 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.

5 Information/Opinion	Briefing on findings concerning Article 83 bis Information paper 04: Joint Policy paper EASA/EC on Art. 83 bis
6 Information	Article 1(2) State aircraft Information Paper 05: EASA policy paper on the subject
7 Information	Review of Rulemaking Procedure Information Paper 06: Review of the Rulemaking Process (room document)
8 Information	AOB <ul style="list-style-type: none"> ▪ Planning of future meetings Information paper 08 : Future meetings <ul style="list-style-type: none"> ▪ State of play of the study on "cruise relief co-pilot" ▪ Open position for Seconded National Expert in Rulemaking – International Cooperation ▪ Information on the creation of CIRCA interest groups for 6 technical domains and for respective focal points

0. Agenda item: Opening and Welcome to AGNA meeting
The Chair welcomed the participants to the AGNA meeting, and proposed a tour de table.

1. Agenda item: Approval of the Agenda
At request of German Member, the following item was asked to be shifted to an earlier time during the meeting: <ul style="list-style-type: none"> ▪ Briefing on findings concerning Article 83 bis
Conclusion/Action: The agenda was approved.

2. Agenda item : Adoption of meeting 2-2010 minutes + Review of action table
The minutes of the 1-2011 meeting were agreed with changes suggested by: <p>UK: Page 3, Item 0, Strategic discussion on "AMC/AMC 20"</p> <ul style="list-style-type: none"> ▪ Sub-para 2, fifth line - change "<i>have never been</i>" to "<i>are not often</i>". ▪ Sub-para 3, third line - change the last sentence beginning "<i>UK stressed...</i>" to "<i>UK noted that the ideal balance between hard and soft law may differ greatly in different applications, bearing in mind all the factors in play, but it might be beneficial to investigate how the AMCs are used in certain national systems.</i>" <p>Agency: Page 3, Conclusion of Agenda item 0.</p> <ul style="list-style-type: none"> ▪ Action item is not needed as information to difference between hard and soft law can be found on EASA website. <p>NL: Page 8, bottom half of the page.</p> <ul style="list-style-type: none"> ▪ Added "<i>how they would fit in with the review of the rulemaking procedure</i>" in the first bullet point following the introductory words "<i>After the review, the following questions were asked:</i>" <p>Agency: page 10, last bullet point</p> <ul style="list-style-type: none"> ▪ replaced first sentence with "<i>Agency reminded that the deadline for feedback on Pre-RIAs was 28 March 2011 and AGNA inputs were appreciated to take into account in the development of the draft rulemaking programme.</i>" to clarify that feedback

should serve draft RMP and not only Pre-RIAs.

AT: Page 11 , Annex II of Austrian IP 03:

The sentence : *"AT insists that Rules or GM should not be changed, only requirements should be reviewed."* changed to *"AT suggests that a review of the concept for issuance of an airworthiness review recommendation should be initiated to improve M.A. 901. AT is willing to support EASA with the review and to provide further information."*

CH: p.11, Issue introduced by CH: List for Type-rating of Helicopters on EASA website

- Added following as explanation for above issue:

CH explanation: Reference: (JAA - EASA Administrative and Guidance Material, Section 5: Personnel Licensing Part 2: Procedures; Type-Ratings List - Helicopter) (<http://easa.europa.eu/certification/flight-standards/OEB-general-typeratings-list-licence-endorsement-list.php>)

CH has recently faced some problems with a pilot who claimed to have a wrong type-rating stamped in his helicopter licence ("AS350/AS350B3": based on the JAA-EASA list, issue final October 2010).

It has appeared that in the meantime since October 2010, the relevant JAA-EASA type-ratings list on the EASA webpage has been modified, introducing a new licence endorsement " AS350/B3/EC130B4") (in the issue final March 2011).

EASA MS have not been actively informed about this latest modification of the "JAA - list", nor was there a "correction modus" visible in the list itself. It is therefore difficult for the them to have the accurate information about the latest modifications of this JAA - list.

CH therefore requests the Agency to consider to actively inform the nominated coordinators in licensing and/or the AGNA members of each EASA MS about such modification in the future.

Chair agreed to "activate" this JAA - list. This would mean that EASA should inform the EASA MS in case the list will be modified."

NL: Page 11, review according to Art 3.9.

- added sentence *"MS States are kindly requested to give feedback from the GA community on Part M rules."* to clarify the request for input. Added action item.

AT: Page 12, COB, second bulletpoint

- The sentence *"AT pointed out that some Member States have their own database in place, variants of the JAA database, where mistakes have been corrected to some extent."* changed to *"AT pointed out that some Member States have corrected mistakes of the JAA database (wrong questions, wrong answers, etc. ensuring a correct application of the JAA database - which was agreed to be the only one to be used). "*

Agency: Page 12, conclusions of Agenda item 5

- Added action item on COB: 11-1-2011: *"Agency to send a letter to AGNA to explain the future steps and to invite experts for participating in the group."*

Agency: p.15, action item 3-7-10

- Deleted *"planned for 12 April 2011"*, as this date relates incorrectly to the AGNA OPS meeting held on 12 April 2011.

Review of action table:

3-4-10: Action open. Pre-RIA on SoA pending due to coordination with EC. Will inform

AGNA in case further progress.

3-5-10: Action open. Has not yet been discussed at MB. NO plans to put on agenda in near future. Will inform AGNA in case further progress.

3-7-10: Action open. Thematic meeting on "Review of the RM procedure" will be announced in due course.

3-8-10: Action closed. Issue on agenda. Position paper was circulated as room document.

1-1-11: Action closed. Comments to new Pre-RIA format indicate that no changes to template are necessary, but the comments will be taken into account when drafting the new Pre-RIAs.

2-1-11: Action Closed. Issue on Agenda.

3-1-11: Action closed. Issue on Agenda.

4-1-11: Action closed. Issue on Agenda.

5-1-11: Action open. CH would like to have active info on website with track change to indicate modifications. Agency to check if this is possible.

6-1-11: Action closed.

7-1-11: Action open. Request feedback on Part M rules from MS. Upon question from FR AGNA member as to what was expected of MS, Agency explained that input from Member States on complex rules was requested as a consequence of reactions from NAA participants at the April 2011 EASA-NAA partnership meeting. Agency would launch review cycles of 5 years, during which specific rules were reviewed. Currently, this was case for Part M and CS-E. It was planned to do different rules every year. The idea was mainly to help EASA to check fitness of rules, not to add on new rules necessarily.

8-1-11: Action closed. Future meetings paper was circulated.

9-1-11: Action Closed. Issue on Agenda. Position paper was circulated as room document.

10-1-2011: Continuing action item to improve the timeliness of document distribution.

11-1-2011: Action closed. Letter has been sent.

12-1-2011: Action closed. Briefing will follow during meeting.

Conclusion/Action:	N/A
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3. Agenda item: 4 year rulemaking Programme

- **IP 01 Performance report was presented.**

It was decided to distribute this paper already in advance in the upcoming meetings.

- **Update on existing remit**

First the Agency gave an overview of the review of the Rulemaking Programme, which will follow the setting up of the new rulemaking procedure and depend on better knowledge of upcoming tasks and their respective durations. In the first phase, Agency will evaluate duration of tasks, in a second phase, efforts will be made to make use of further resources in NAAs, Industry, and other EASA Directorates, since the Agency lacks

the resources to deal with the current 300 or more tasks. The draft RMP 2012 is still under the current system. Starting September 2011, the RMP for 2013-16 will follow the new system: cutting down number of tasks, reviewing and reducing rulemaking groups' numbers, limiting them to essential discussions, leaving technical issues to be drafted at NAA level, incorporating more EASA tasks, involving further resources.

FR: inquired if the current RMP would be modified at the end of this year by the new Rulemaking Process. The Agency replied that it was not the case for the 2012-15 RMP. It was also clarified that this was going to be the case for all rulemaking tasks, not only product safety.

Initial airworthiness update presentation:

- FR: Asked what the status was of some older airworthiness opinions, like opinion 3-2009? Agency explained that the Commission has sent the opinions except the one on "Restricted C of A".to the EASA committee, and were foreseen for discussion end of June and possible adoption by the end if the year.

Continuing airworthiness update presentation:

- On current tasks FR inquired whether task 66.027 covers ELA1. Agency answered that this was the case. As a matter of fact, the cover regulation is going to be amended by EC in order to require the Agency to produce an Opinion covering the licensing requirements of ELA1 aeroplanes as well as aircraft other than aeroplanes and helicopters.
- On future tasks, FR asked if the structure of MDM.055 would be changed, in relation to the SMS. Agency replied that some elements of SMS would need to be put in section "B" (AR) whereas for OR, the different organisational requirements would need to be added. This task will consider also the possibility of having only Part-145 maintenance organisation approvals (eliminating the Part-M Subpart F approval), adapting the SMS to the scope of work and the complexity of the organisation.
- AT wanted to know if the section B task on introducing the State safety plan would be covered. According to the Agency, this was in the hands of the EASA committee, who would still decide if the provision would be maintained as part of the EU-OPS discussion.
- DK inquired on:
 - content of MDM.082. Concerns new concepts of e-learning, virtual training, etc... Agency illustrated this with the issue of maintenance simulators, which could not be compared to FSTD.
 - about task 145.024, as to what "support staff" was and what their responsibilities were. Agency clarified that support staff did the technical work in the base maintenance environment, but did not release aircraft (this is done by Category C certifying staff).
- PL: What was behind tasks 66.027? Agency stated that this was the procedure to get the B2 license in steps, to be called "B2L", that would cover all aircraft except the complex ones.

Environmental Protection update presentation:

- FR wanted more information on the implementation of ICAO/CAEP/8 amendments. It was explained that some additional rulemaking was needed to implement the ICAO guidelines for exemptions to the CAEP/6 NOx production cut-off. AGNA members were invited to contact Erika Herms, tel +49 221 89990 5062 if they would like to get more information.

▪ **Feedback on existing remit RMP 2012-15**

Chair asked participants if they had any comments to the RMP 2012-15 as regards

Product Safety and Environmental Protection.

- FR suggested incorporating explanations in the executive summary about the methodology on the scoring of tasks. The Agency clarified that this information is already included in the ranking and pre-RIA note shared with advisory bodies but accepted to investigate request.
- AT suggested reviewing the CS 23/25/27/29 by adding new elements. Agency thanked for the good idea. Would ask Certification Directorate for assistance to implement this.

The draft RPM 2012-15 was approved for Product Safety and Environmental Protection.

▪ **First extension update (Flight Standards)**

- Following first extension presentation, FR inquired on three issues:
 - Study on single-engine helicopter operations in a hostile environment (OPS.049). Agency explained that more reliable data was needed on the use of this type of helicopter (fact-finding stage).
 - Air crew regulation: Agency replied that after European Parliament scrutiny and translations, expected publication of annexes I-III is in November 2011.
 - Opinions 2 and 3 on OPS regulations: Agency pointed out that the rules will most likely be adopted one year after the deadline. The idea is to publish the vast majority before the legal dates. A solution for bridging the gap will be found with the EC.
- NL commented that dates were changed without changing manpower.
- DK asked when CS/ AMC /GM are expected to be ready: Agency expects this in November 2011 for annexes I-III of the air crew regulation.
- DE: MS will have problems if no regulations on FTL. Also asked when MDM.031 single IMC would begin. As regards FTL, EU-OPS and national law will stay in force until superseded by common EU rules. MDM.031 is scheduled to start in Q3 2012.

Presentation on AGNA survey concerning preparation for RMP 2012-15

The Agency provided a summary on the feedback received from Member States related to the prioritisation of certain RM tasks. It was concluded, taking into account that MS also have safety legislation in place, that there was no immediate urgency to start the rulemaking tasks on Annex II aircraft used in CAT or airships. Queries:

On Question I:

- DE: How do we go about the Annex II aircraft doing CAT operations?
- Agency replied that these aircraft need to comply with the related derogation established under EU-OPS. It explained that the process is described in the explanatory note of Opinion 04/2011, as agreed with the EC.
- EU airworthiness rules do not apply. For FCL, there is an option for type rating for Annex II aircraft.
- DE doubts that this is possible, but will report answer to national authorities.
- FR: Do some parts of EU-OPS remain valid? Will MS have to follow old rules?
- According to the Agency, there is no legislative gap as EU-OPS will be replaced as soon as the respective IRs apply. Encourages MSs to read the explanatory note of OPS opinion to get an explanation on what MSs are supposed to do in the future.

On question II:

- NL: are there Rulemaking tasks on airships? Agency clarifies that these are planned to

start in 2014.

- FR enquires if the Agency intends to provide conclusions for Survey and for the concerned tasks.
- Agency answers that there will not be a paper and conclusions are as mentioned above.

Presentation on NPA flown with CDFA technique

- Presentation was put on the AGNA agenda after the issue had been raised at the SSCC meeting. MSs were requested to provide information on this issue.
- AT: Asked for a deadline till beginning August. Agency proposed to receive comments by 5th August.

Oral clarification on mutual recognition (JAR- FCL)

- A solution to the problem which has been identified is being worked out between Standardisation Directorate and EC. Propose to come back on this at next AGNA meeting.
- AT/BG: see problems for MS to wait until November for draft solution/information. Ask to speed up process, BG also adds that it is a legal issue in the transfer process, so asks legal dept to take part. Agency hopes to raise issue at EASA committee meeting next week. EC, through internal discussions, will try to find viable solution, "gentlemen's agreement" at short notice for a transition period. The real problem lies in the fact that the ECAA agreement is not yet ratified by all signatories. AT will provide an IP for the meeting although not attending.
- TR: this is a hot issue. No reciprocity in some MS for some approval certificates issued by TK.
- Chair summarised that there were many different categories of cases, understands a.o. BG concern, but appreciates if everyone could wait till issue worked out between Standardisation and EC.
- AT: reminds not to mix mutual recognition issues on FCL and Part 66.

Oral clarification on cruise relief co-pilot:

EASA will be tasked to further study the issue. The study is quite difficult to execute as only few airlines apply this. Collection of data and analysis is ongoing. Results in a few weeks' time. However, Agency doubts if study will really be effective.

Oral clarification on CQB:

- Update on set up of new experts group, which will review old questions, validate new questions, feed some questions in the databank received from MSs. A letter on this subject was sent in June to AGNA. Based on input from MSs after summer break another meeting.

▪ Feedback on first extension remit RMP 2012-15

Chair asks to agree on FS part of draft RMP.

- AT asks for extension of deadline of comments for NPA on TCO. Agency reminds that a request must be sent.
- Otherwise, agreement was reached on the planning.

- **Update on Second extension**

- ATM/ANS update**

Following presentation, a number of questions were asked:

- **On ATM.003:**

- DK inquired why GM/AMC planned for 2014, but IR already published in June. Also, what is the role of ESARRs. Agency replied that the IR adopted follows the so called 'fast-track' process and contains mainly technical updates to the existing ATCO Directive. Today the SES rules do not contain AMCs or GM as used under EASA system. That's why the AMC/GM referred to will be part of the 2nd phase of ATM rulemaking. ESARRs (except one) have already been transposed to EU acquis.
 - FR asks: What is the rule of the game? Will EASA slowly transform text into something different? EASA responded that the fast-track rules do not implement BR fully, although there are certain inputs from it. Time-schedule of the 2nd phase ATM rulemaking is defined in the respective ToRs, which have been updated to reflect the fast-track process.
 - DK asks when the ATCO IR will be implemented in MS and if there is a transition period. EASA answered that for the first phase rule this should happen in a few months, but for the second phase, where issues are added to Regulation in full compliance with BR, it should take a few more years. Since the rule was initially a directive which was transferred into a Regulation, there is no need for a transition period.

- **On ATM.001:**

- FR asks what group priority basis is, since there are a lot of sub-groups(or ad-hoc groups). Agency answers that in some cases, the initial scope of the tasks is very large, and therefore sub-groups are created, instead of giving the task to a new rulemaking group. For example, there are no medical experts in ATCO licencing group, so a specific sub-group deals with MED-issues.
 - NL thanks Rulemaking Directorate for hard work. Suggests expanding ATM tasks deadline till after April 2012 in order to avoid overtime of the rulemaking staff and to ensure a good quality of deliverables. For ATM.005 suggests to put it on hold. The Agency took note of the NL request and reminded that clearly more time is already planned for the deliveries in the 2nd phase of ATM rulemaking. On ATM.005 the Agency is fully aware of the challenges and that the question is about the whole concept, including aspects related to aerodromes, air/ground and SES. So far no ToR have been proposed by the Agency.
 - Chair reminded of the importance of consistent views by States on different fora, such as the SES committee.

- **On ATM.021& .022**

FR requests clarifications on ToRs and ATM governance. Agency states that EASA was tasked by Commission (advised also by the SES Committee) to work on the proposals related to ATM performance scheme and Harmonised European transition Altitude (HETA). As defined by the related SES implementing rule, the safety part of the performance scheme is done together with Commission, PRB and EUROCONTROL. ToR of any RM task will normally be initiated and consulted, unless the task stems directly from the Commission (SES committee). ATM governance was the result of high level group. Chair pointed out that AGNA

should be informed of high level meeting conclusions in general.

- Furthermore, EASA is looking into ways in getting ATM expertise on board of AGNA. A new system is needed, possibly with subgroups per different domains, but the review is still on-going.
- AT inquired on joint RM planning process changes between EASA and SES. Agency explained that it was not alone in the lead here; it is for the Commission to manage the change process. Capacity, economic and performance regulation are for SES, but all these may also contain safety aspects. A more consolidated RM planning will be initiated by the Commission and discussed at the next SES Committee meeting. EC confirms that a way to inform AGNA on all planning needs to be found.

ADR update

- UK asks to postpone the review of rules in the rulemaking planning, as Industry may pay less attention to the forthcoming rules if they see new revised regulations coming soon into play. Agency clarified that the review is purposed to assist in long term planning, but will be scheduled and further defined later on based on concrete rulemaking needs.
- FR asks for conclusions of ADR questionnaire. Agency adds that there was also a second questionnaire on national ATCO ratings. AGNA will receive a presentation on both conclusions.

- **Feedback on ATM/ADR part in RMP 2012-15**

On Chair request for AGNA opinion on ATM tasks in draft 2012-2015 RMP, no further comments were made at the meeting. A written contribution from Romania was received, which will be responded by the Agency in writing. The planning of ATM/ADR tasks was agreed as proposed.

Conclusion/Action:	<p>1-2-2011: AT to make proposal for improvements for review of CS 23/25/27/29, Agency can thereafter assess whether to take on board.</p> <p>2-2-2011: Agency to come back on mutual recognition (JAR- FCL) when issue solved by EC together with Standardisation Directorate.</p> <p>3-2-2011: Agency to inform AGNA of results of high level meetings</p> <p>4-2-2011: Agency to present to AGNA the conclusions of both the ADR questionnaire and the ATCO national ratings questionnaire.</p>
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4. Agenda Item: Feedback on implementation of EASA rules

Recommendation on Issuance of Airworthiness Review certificate M.A. 901,

- After the presentation on the subject, AT informed that it would conduct informal discussions with affected industry / constituents with the aim to review and possibly identify weaknesses in current rules. The Agency will be informed on the outcome of the discussions and if regulatory action is required.

Status of Part 66 licenses

- Following a presentation on the subject which explained history and situation of mutual recognition, especially in relation to the un-ratified ECAA agreement, BG expressed its discontent on its legal status as EU MS without mutual recognition, and sought to have website wording corrected. Agency explained that Bulgarian licences didn't enjoy mutual recognition for a period of time after they joined the EU but this

limitation had already been lifted and currently they enjoy mutual recognition. Regarding the wording on the EASA website, it was agreed to have the issue solved bilaterally between BG and Standardisation Directorate.

- HR also inquired when 2nd transitional period closes and if HR needs to continue doing something. EC replied that this was again the problem of the missing ratification of the ECAA agreement. It was probable that ratification would happen by end of this year, so in joint committee next year there could be statement on compliance of HR. HR needed to continue implementing and integrating future rules.
- AT proposed to grant an Article 14.4 exemption in order to allow their maintenance organisations to use licences from HR (even if not formally mutually recognised) and asked whether the Agency would give a positive opinion on it to the Commission. The Agency replied that it needed to evaluate the case and could not provide a reply on the spot during the AGNA meeting.

Conclusions at NAA partnership meeting

- At the Partnership meeting it was highlighted that the rules were too complex and that NAAs needed to make proposals for changes and address issues. AGNA was the proper forum for this.

Link between Rulemaking and Standardisation

- Some Agency rules were follow-up of Standardisation visits, e.g. ESAP and ESAP, which would be presented at next meeting. Chair asked AGNA to inform colleagues how Agency was addressing issue.

Conclusion/Action:	N/A
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5. Agenda Item: Briefing on findings concerning Article 83 bis

The presentation was followed by a number of comments:

- NO asked, in relation to MS transfer to Third country, if the full transfer also involved change of nationality. This was negated by the Agency, as the transfer relates to State of Registry responsibilities but not a change in the registration of aircraft.
- DE stated that it did not agree with the EASA proposal since MS remain responsible even after transfer based on the Überlingen case.
- IE stated that its position is still unchanged and asked the Agency which outcomes/effects it is looking with the interpretation it gives. EASA explained that the only purpose is to clarify the meaning of Article 4(1)(b) and the use of Article 83bis within the context of Regulation 216, as requested by AGNA. EC stated that the only intention was to bring legal certainty. EC had obligation/mandate to interpret the law if a particular issue was raised, such as this.
- NL was happy to hear about the actions in support of the international recognition of the EU-EASA system, in particular within the ICAO framework. Agrees that only full transfer is possible from EU system to foreign system but this means that partial transfer can be carried out outside the system. Will bring issue back to the NL legal experts. Agency asked NL to study paper and to come back with reactions
- FI had hoped that no Art. 83 bis agreements would be needed, that everything could be solved through Agency rules. Agency explained that tasks could be allocated with the responsibility remaining with the State of Registry.
- The Agency asked AGNA members to study the paper and to come back with reactions.

Please note: a deadline of 4 weeks (31st July) was proposed after the meeting for eventual comments.

Conclusion/Action:	5-2-2011: Agency invites MS to comment in relation to Art. 83 bis by 31 st July 2011.
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6. Agenda Item: article 1(2) (a) State Aircraft

The preparation of this paper by the Agency is meant to propose ideas for solutions to be applied at national level when dealing with difficulties in the application of Article 1(2)(a). The Agency made clear that the paper cannot cover all practical cases. The presentation of the conclusions of the paper was followed by comments by the Members:

- FI: When an organisation fulfils the applicable requirements for an EASA approval, FI thought it could not refuse the approval.
- FI did not appreciate receiving a finding on Art. 1(2) during last Standardisation Inspection as FI considers that State aircraft are outside the scope of a Standardisation inspection.
Agency replied that it is important to define the point in time during which aircraft is operated. If operated outside the scope of the Regulation 216, the EASA rules do not apply. State aircraft are outside the scope.
- BG asked if a double set of documentation is required in case of mixed operations. How to address the case of technical Log and flight manual that need to be unique by definition. According to the Agency, each case needs to be analysed separately. There would be two sets of documents subject to two different sets of rules, unless national rules state that EASA certificate is sufficient.
- IE + AT expressed appreciation and support to the paper and stressed that now common sense has to be used in applying these concepts
- NL: Point 3.5 of the paper raises confusion. An aircraft under maintenance is not operated in activities falling under Art. 1(2)(a), therefore can be maintained in a Part-145 organisation and released with a Part-145 release to service. The Agency clarified that this release to service is not legally valid as such (EASA release) to cover activities under Art. 1(2)(a).
- FR: Standardisation inspectors should be instructed not to raise findings in the case of mixed dual use.

EASA conclusions:

The national legislation defines which certificates, including release to service, are acceptable for a/c operated under Art. 1(2)(a). It is the responsibility of the Member States. The Agency invites AGNA to propose practical cases and share best practices before 1st August to be addressed by the Agency.

Conclusion/Action:	6-2-2011: Agency invites MS to propose practical cases in relation to Art. 1(2) by 31 st July 2011.
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7. Agenda Item: Review of Rulemaking Procedure

Following the presentation, which illustrated the Agency's will for a new transparent process involving stakeholders,

- UK commented on shortness of consultation and lack of coordination for cross-domain groups/issues. To this the Agency replied that solutions were in planning, thematic meetings pinpointing specific issues and to share views could be used as a priority setting. Consultations can be adjusted/tailor-made processes.
- As an answer to DK, who thanked for the effort to speed things up, the Agency clarified that this procedure, in the beginning, would only cut down on the length of existing remit rules. Once a basis for new rules of extension of remit was established, the time factor could be improved here as well.
- FR made two suggestions, to which SV agreed:
 - Simple tasks: include MS in working groups in issues for which MS have

responsibility. Agency replied that the aim was to limit the people participating in the drafting, but that this could be envisaged case by case.

- Skip the CRD comment period, but not in the case that the proposed CRD completely changes the original NPA. Agency confirmed that a comment period would be kept if NPA completely changed.
- FR also inquired on the adjustment of the advisory structure and the role of the new AGNA. The Agency explained the next steps in the procedure towards a new structure, involving the EC, the MB, meeting in July on the transition strategy. Agency will draft ToRs for technical and higher level.
- SV added that it wished to see more mechanisms in the procedure and suggested that EASA use a rulemaking handbook. The Agency argued that volunteers could be used, but they needed training, which would take time. There was also a tool "TRACS" which was in development as guidance for the drafting group, fixing objectives, timeframe, detailed instructions on working approach. The agency precised that it used its own handbook.
- IE stressed that the Industry needed to be kept interested, all stakeholders as allies, from the beginning till the end, since the process did not really end until the rule is adopted by the Legislator. It was essential to determine if the draft rule was mature enough to pass to the next stage (comitology). The Agency agreed and specified that it could not proceed to do this all alone, stakeholder involvement at all stages was vital. Suggested to put this on the agenda of the MB strategy meeting. NAAs should receive training to be able to explain how specific rules are to be implemented. But there are problems with the follow-up.

Conclusion/Action:	7-2-2011: Agency to propose agenda item on stakeholder involvement at MB strategy meeting
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8. Agenda item: AOB

➤ Future meetings

A tentative date of 21-22 March 2012 was suggested. This will be confirmed at next AGNA meeting in November.

9. Closing

The Chair thanked everyone for attending. The meeting closed at 17.15h.

Conclusion/Action:	N/A
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List of actions:

Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)	Comments
3-4-09	Assess the oversight instruments for TCO Over Flights and link it with the NAAs and EUROCONTROL	Agency	ASAP	O	"Over Flights" are not covered by NPA on TCO.

3-4-10	Agency to produce pre-RIA for "SoA".	Agency		O	Pre-RIA on SoA pending due to coordination with EC. Will inform AGNA in case further progress.
3-5-10	Agency to organise for AGNA strategic discussion on stakeholder communication at AGNA 1-2011	Agency	Next meeting	O	Has not yet been discussed at MB. NO plans to put on agenda in near future. Will inform AGNA in case further progress.
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	Thematic meeting on "Review of the RM procedure" will be announced in due course.
1-1-2011	Agency to review new Pre-RIA format in the light of NAAs comments.	Agency	Next Meeting	C	Comments to new Pre-RIA format indicate that no changes to template are necessary, but the comments will be taken into account when drafting the new Pre-RIAs.
2-1-2011	Agency and EC to find a solution for EU Member States not mutually recognized in the area of JAR-FCL	Agency /EC	Next Meeting	C	Issue on Agenda.
3-1-2011	Agency and EC to produce a status quo list of non EASA States in respect of mutual recognition of certificates and a formal statement on this issue	Agency	Next Meeting	C	Issue on Agenda.
4-1-2011	Agency to coordinate discussion on Airworthiness Review certificate M.A. 901 (and all other issues submitted by AT in IPO3) internally together with Standardisation	Agency	Next Meeting	C	Issue on Agenda.
5-1-2011	Agency to communicate internally update issue on List of Type Rating of Helicopters on EASA website to Certification	Agency	Next meeting	O	CH would like to have active info on website with track change to indicate modifications. Agency to check if this is possible.

6-1-2011	Agency to coordinate internally with Certification to eventually reinstate list on Annex II on EASA website	Agency	Next Meeting	C	
7-1-2011	MS to provide feedback from GA community on Part M rules.	MS	AGNA 3-2011		Request feedback on Part M rules from MS. Upon question from FR AGNA member as to what was expected of MS, Agency explained that input from MS on complex rules was requested as a consequence of reactions at EASA NAA partnership meeting. Agency would launch review cycles of 5 years, during which specific rules were reviewed. Currently, this was case for Part M and CSI. It was planned to do different rules every year. The idea was mainly to help EASA reduce content in rules, not to add on necessarily.
8-1-2011	Agency to determine date for TCO workshop and to update paper on dates of workshops, communicate to AGNA	Agency	Next Meeting	C	Future meetings paper was circulated.
9-1-2011	Agency and EC to produce joint position paper on Art. 83 bis to be presented at AGNA 2-2011, but circulated in advance.	Agency/EC	Next Meeting	C	Issue on Agenda. Position paper was circulated as room document.
10-1-2011	Agency to prepare and upload documents for preparation of meeting/follow-up documents at least 1 week in advance/ soon after meeting for AGNA members.	Agency	For every AGNA meeting	O	Continuous action item to improve the timeliness of document distribution.

11-2011	Agency to send a letter to AGNA to explain the future steps of CQB and to invite experts for participating in the group.	Agency		C	Letter has been sent.
12-1-2011	Agency to inquire on the state of play of the study on "cruise-relief co-pilot" and inform at next meeting	Agency	Next AGNA Meeting	C	Briefing will follow during meeting.
1-2-2011	make proposal for improvements for review of CS 23/25/27/29, Agency can thereafter assess whether to take on board	AT		O	
2-2-2011	come back on mutual recognition (JAR- FCL) when issue solved by EC together with Standardisation Directorate.	Agency		O	
3-2-2011	inform AGNA of results of high level groups	Agency		O	
4-2-2011	send conclusions of ADR questionnaire and ATCO ratings	Agency		O	
5-2-2011	invite MS to comment in relation to Art. 83 bis by 31 st July 2011.	Agency		O	
6-2-2011	invite MS to propose practical cases in relation to Art. 1(2) by 31 st July 2011.	Agency		O	
7-2-2011	propose agenda item on stakeholder involvement at MB strategy meeting	Agency		O	

Next meeting:
Date: AGNA 2-2011: 16-17 November 2011
Location: Cologne: Barcelona Room, Jugendherberge Cologne Deutz, Siegstr. 5, 50679 Cologne

MoM prepared by	Kirsti Reinartz	14/07/2011	Signature
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MoM reviewed by	Athanassios Tziolas		Signature
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