



European Aviation Safety Agency

**MINUTES OF MEETING**

Subject AGNA Meeting 01-2011  
 Date 22-23 March 2011  
 Location Room 04/049, EASA premises, Cologne

Organised by EASA

List of Participants

	<b>AGNA Members</b>	<b>AGNA Observers</b>
<b>Attendees</b>	<p><b>Franz Graser</b>, Austro Control, Austria  <b>Benoit van Noten</b>, Civil Aviation Authority, Belgium  <b>Eleonora Dobрева</b>, Civil Aviation Administration, Bulgaria  <b>Vladimir Nekvasil</b>, Civil Aviation Authority, Czech Republic  <b>Marve Allik</b>, Estonian Civil Aviation Administration, Estonia  <b>Georges Thirion</b>, Direction Générale de l'Aviation Civile, France  <b>Sotirakis Stamou</b>, Civil Aviation Authority, Greece  <b>Gábor Hardicsay</b>, Civil Aviation Authority, Hungary  <b>Einar Orn Hedinsson</b>, Civil Aviation Administration, Iceland  <b>Brian Skehan</b>, Irish Aviation Authority, Ireland  <b>Fabrizio d' Urso</b>, ENAC, Italy  <b>Bob Rieder</b>, Inspectie Verkeer &amp; Waterstraat, CAA-NL, Netherlands  <b>Tom Egil Herredsvela</b>, Civil Aviation Authority, Norway  <b>José Silverio Rocha e Cunha</b>, INAC, Portugal  <b>Ovidiu Traichioiu</b>, Civil Aeronautical Authority, Romania  <b>Martin Nemecek</b>, Civil Aviation Authority, Slovakia  <b>Manuel Sánchez Cano</b>, Civil Aviation Authority, Spain</p>	<p><b>Laurence Fontana-Jungo</b>, Federal Office of Civil Aviation, Switzerland  <b>Graham Weightman</b>, Civil Aviation Authority, United Kingdom  <b>Sergiu Marzac</b>, Civil Aviation Administration, Moldova  <b>Mileta Nolic</b>, Civil Aviation Authority, Montenegro  <b>Veljko Basaric</b>, Civil Aviation Directorate, Serbia  <b>Alfonso Arroyo Fernandez</b>, European Commission, Belgium</p>
		<p><b>Experts or alternative attendees:</b></p> <p><b>Ante Lazeta</b>, Civil Aviation Agency, Croatia  <b>Thomas von Borstel</b>, LBA  <b>Bodo Heinzl</b>, Federal Supervisory authority for Air navigation services, Germany  <b>Giuseppe Recchia</b>, ENAC, Italy  <b>Susanna Metsälampi</b>, Civil Aviation Administration, Finland  <b>Ole Lynggaard</b>, Civil Aviation Administration, Denmark  <b>Victor Nath</b>, Civil Aviation Authority, Czech Republic  <b>Vladimir Nekvasil</b>, CAA, Czech Republic  <b>Astrid Norda</b>, Norwegian Civil Aviation Authority  <b>Katarina Wigler</b>, Swedish Transport Agency  <b>Viktor Nath</b>, Civil Aviation Authority, Czech Republic</p>
<b>Apologies</b>	<p><b>Vítězslav Hezký</b>, Civil Aviation Authority, Czech Republic  <b>Edgars Gindra</b>, Civil Aviation Agency, Latvia  <b>Didier Ledur</b>, Civil Aviation Authority, Belgium  <b>Per Veinberg</b>, Transport Authority, Denmark  <b>Dirk Sajonz</b>, Luftfahrt-Bundesamt, Germany</p>	

<b>Agenda 1-2011</b>	
<b>Day 1 22 March 2011</b>	
<b>Strategic Discussion on theme "AMC/AMC20"</b>	
<b>13:00-13:15</b>	Welcome
<b>13:15-14.45</b>	Discussion and feedback from AGNA
<b>1</b>	Introduction & Adoption of the Agenda
<b>2</b>	Adoption of the minutes of the previous meeting Review of action table
<b>3 Information</b>	<b>General introduction</b> <ul style="list-style-type: none"> <li>▪ ESSI and its subgroups, and the link to rulemaking activities</li> <li>▪ Update on existing remit <ul style="list-style-type: none"> <li>▪ Product safety</li> <li>▪ Environmental protection</li> <li>▪ Use of the new rule structure in the Airworthiness domain</li> </ul> </li> <li>▪ Update on 1<sup>st</sup> extension</li> <li>▪ Update on 2<sup>nd</sup> extension</li> <li>▪ Article 7 pt 6 of the Rulemaking Procedure</li> </ul>
<b>Day Two 23 March 2011</b>	
<b>4 Opinion</b>	<b>4-year Rulemaking Programme</b> <ul style="list-style-type: none"> <li>▪ State of implementation of 4-year Rulemaking Programme 2011-2014</li> <li>▪ Preparation of the 4-year Rulemaking Programme 2012-2015 <ul style="list-style-type: none"> <li>▪ Presentation and discussion on Ranking List and Pre-RIAs</li> <li>▪ AGNA opinion</li> </ul> </li> </ul>
<b>5 Information</b>	<ul style="list-style-type: none"> <li>▪ <b>Feedback on implementation of EASA rules*</b> <ul style="list-style-type: none"> <li>▪ Recommendation for issuance of Airworthiness Review certificate M.A.901</li> <li>▪ EU Member States not mutually recognized in the area of JAR-FCL</li> <li>▪ 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.</li> </ul> </li> </ul>
<b>6 Information</b>	<b>AOB</b> <ul style="list-style-type: none"> <li>▪ Planning of future meetings</li> <li>▪ Update on Article 83 bis</li> <li>▪ Cross-reference table classifying commercial/non-commercial organisations</li> <li>▪ Measures launched to improve quality of translation</li> </ul>

\* 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.

**Day 1****0. Agenda item: Strategic discussion on “AMC/AMC 20”**

The DE representative introduced the issue, stressing that in Germany, rules issued as soft law (such as AMCs) are non-binding and cannot be enforced by the authority. In German Administrative law Court, AMC material is no legal base for enforcing anything, as it is not seen as law. Also legal certainty should be provided to users by publishing all applicable AMCs. Asked for other Member States opinions and experience on the subject.

Most Members who contributed (CH, AT, NL, PT, IE, UK) indicated that users in their system are comfortable with balance of rule/AMC and confirmed that they had a good understanding as to what AMC is, and the different elements in the system. Nevertheless, they would have difficulties defending enforced AMCs at their national courts, which would interpret them as non-binding rules. IE, UK say that NAAs are not often challenged. PT confirms it has agreements with operators or organisations for the use of hard/soft law. HU stated it was used to hard law/soft law system from Soviet times. NL, IT indicated that inspectors are trained to raise findings against rule and not AMC. Different results in this case are evidently caused by different cultures and societal issues.

Most members agreed that performance based rules is a good initiative and it was necessary to find the right balance between hard law (BR) and soft law (AMCs), in order to produce enforceable rules but not to lose flexibility. 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.

After the Agency presented its position (as written in WP01) further remarks on findings to the rule not the AMC (IT, NL), on the necessity of unambiguous rules to warrant legal certainty (DE), on creating more transparency through references (Chair, AT, FR), the distinction between hard and soft law (BG) and timeframes for compliance (IT, EL) were made. What is missing is some kind of policy document (IE, supported by others) for the users where the system of performance based rules and application of hard vs soft law is described in.

To BE question on guidance on how to develop Alt AMCs, the Agency replied that no such guidance was provided, as NAAs had full flexibility for this (own forms, own procedures), but the basics were in AR/OR.

The Agency stressed again that AMCs are means of compliance, and complying with AMCs means you comply with rule. The framework of hard and soft law is now established and accepted by regulated persons. If an applicant does not comply with an AMC, it has other options such as AltMoCs. If a member states wishes to offer an AMC to its industry it can develop AltMoCs. Furthermore the Agency explained the background of AMC 20. They were developed originally by the JAA as GAI-20 where some were used to transpose measures coming from EUROCONTROL. When EASA was created they were transposed into AMC-20 and cross-references were made to the respective rule (Airworthiness). Unfortunately, this was not the case for (OPS, ATM) as the related IRs were not in place at the time since they were not in remit of EASA. The aim now is to put in place the missing references to rules for all AMC 20.

The Chair accepted to check what exists on policy papers on the differences between hard law and soft law and to make a proposal for the next meeting.

Conclusion/Action:	N/A
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**1. Agenda item: Opening and Welcome to AGNA meeting**

The Chair welcomed the participants to the AGNA meeting following the strategic discussions, and proposed a tour de table.

## 2. Agenda item: **Approval of the Agenda**

The following item was asked to be shifted to an earlier time during the meeting:

- Cross-reference table classifying commercial/non-commercial organisations

The following items were asked to be added to the Agenda under AOB:

- State aircraft (Article 1(2))
- Future of AGNA
- Review of Rulemaking procedure
- AGNA ATM (and link to SRC)
- Central Question Bank

Conclusion/Action:	The agenda was approved.
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## 2. Agenda item : **Adoption of meeting 2-2010 minutes + Review of action table**

The minutes of the 3-2010 meeting were agreed with changes suggested by:

AT: Page 8, Extension of ACAS II mandate, asked to add fact that AT had already provided written comments to IP02. The passage was corrected to read:

*"AT stressed that numbers would be needed for the Pre-RIA and provided written comments to IP02, which were circulated as a follow-up document after the meeting. ..."*

SE: Page 10, asked to correct statement that SV inquired about a regulation on suborbital flights, which was not the case. The passage was corrected to read.

**" Suborbital Aircraft (SoA)**

*A Member inquired about a Regulation on this issue. ..."*

Review of action table:

**3-1-09:** Action closed. Members were informed that the NPA on TCO will be published in the coming days. It was decided to limit the scope of the NPA to commercial air transport (CAT) operations in agreement with the EC. The term "authorisation" has been used in the NPA

**3-2-09:** Action closed. The issue has been addressed in NPA under TCO.OPS.100.

**3-3-09:** Action closed. This requirement is covered by AR.TCO.105.

**3-4-09:** Action closed. Informed that "Over Flights" are not covered by this NPA.

**3-5-09:** Action closed. The scope has been limited to CAT only, so this is not an issue for the time being.

**3-06-09:** Ramp inspection (SAFA) performed by Member States will be the main tool to oversee TCO. Action closed.

**1-3-10:** Action closed. See IP10 of AGNA 3-2010, part of this agenda.

**2-1-10:** Action closed. Presentation on ESSI part of this agenda.

**2-3-10:** Action closed. The issue is addressed in task MDM.029 "CAMO and Part 145 responsibilities".

**2-4-10:** Action closed. Issue has been noted by ED office and will be raised at one of the next MB meetings.

**2-5-10:** Action closed. Agency has received feedback from some MS. See report under AOB.

**2-6-10:** Action closed. Agency has held discussions with major leasing companies. See report under AOB.

**2-7-10:** Action open. Agency will communicate outcome of findings in a future AGNA meeting (probably 2-2011)

**3-1-10:** Action closed. Workshop has been held beginning of 2011 and report given under 1<sup>st</sup> extension presentation.

**3-2-10:** Action closed. An EASA paper on the rule structure in the airworthiness domain has been handed-out during the meeting.

**3-3-10:** Action closed. For task 145.012 the Agency issued an opinion proposing no change to the rule and suggested re-addressing the issue in follow-up task M.029. task which incorporates it.

**3-4-10:** Action open. Pre-RIA on SoA pending.

**3-5-10:** Action open. Agency will brief AGNA on the outcome of MB discussion/conclusion on stakeholder communication issue.

**3-6-10:** Action closed. Comments received from AT, CS, DE, NL and UK.

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

**3-8-10:** Action open. Position paper expected by June 2011.

**3-9-10:** Action closed. Folder on "Art. 14 exemptions" created on CIRCA for AGNA members.

**3-10-10:** Action closed. pre-RIA on M.029 published on CIRCA.

**3-11-10:** Action closed. Items not handled as part of previous meeting are part of this agenda.

Conclusion/Action:	N/A
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**6.** Agenda item: AOB (moved here on request of DE during the meeting)

▪ **Cross reference table classifying commercial/non-commercial organisations**

- Agency position paper distributed as a handout. Agency explained that a table to classify the organisations already existed in NPA MDM.047 issued in August 2010. This table shall be put in Guidance Material after the CRD and the opinion.
- DE inquired what the difference was between "commercial operations" (of which the DE interpretation was in the table (IP10)) and "commercial air transport". Agency replied that the first term was defined in the Basic Regulation.
- GR, HR, IE and FR gave some examples where classification was difficult (how to treat training facilities, "open days" at airclubs, non-profit organisations which only ask for remuneration to cover expenses, restoration of old aircraft to propose flights to paying customers...).
- FR asked about the status of "local flight" and the need to amend Reg. 2042/2003 according to new local flight operating rules, as well as why there were two separate definitions.

- BE inquired on definition of “fractional ownership” and the number of owners.
- BG requested update of tables if changes occur and explanations given in a paper.
- IE, IT and NL indicated that explanations on the definitions were given in a previous AGNA meeting. They stressed that regulator should avoid ending up with different definitions for the same term when applying operational rules and when seen from airworthiness perspective. The issue was also discussed in an EASA committee meeting and the EC has produced a paper on the subject. Finally, they invited all Member States to apply the rules the same way to avoid uncertainty, discrimination and misunderstanding.
- After the question and answer session, the Chair closed the discussion highlighting that this issue has already been addressed as part of other forums.

Conclusion/Action:	N/A
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### 3. Agenda Item: General Introduction

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

- **ESSI and its Safety Teams: Interfaces with Rulemaking**

- Responding to FR question on the role of ESSI in the EASP, it was explained that ESSI role in aviation safety was recognised by mentioning them in the EASP, either as action holders or as technical reference.
- SE asked whether ESSI/EGAST plans to promote the new rules on GA activities through this forum. Agency replied that this type of action is not in the ESSI/EGAST remit. The Chair responded that the Agency tries to put instruments and proportionate rules in place to facilitate access to regulations by GA stakeholders. It was Agency's and in particular Member States/NAAs role to explain/communicate these rules.

- **Update on existing remit**

- **Product Safety**

- Agency gave a task update followed by a discussion.
- AT stated that comments had been given on certain tasks.
- With regard to MDM.055/MDM.060, NL insisted on importance to keep as close to previous AR/OR as possible in the new rulemaking tasks. The Agency confirmed that these comments would be included in the revised ToR if they had any impact. The exercise for the new tasks was mostly “cut and paste”, but this will not necessarily always be possible or speed up things.

- **Environmental protection**

- The Agency presented the current rulemaking tasks in environmental protection. Most work is conducted in the ICAO context. Difficulties arose for high level ICAO decisions compared to what already existed at EASA level.

- **Update on first extension**

- Agency gave an update on state of play and next steps, highlighting the MB decision to abandon the horizontal structure for the time being to choose vertical streamlining of rules. In the long run, horizontal approach would nevertheless be considered again.
- FIN, FR inquired what the consequences of the vertical structure had on deadlines and on the timetable, and which text would be the final version. As explained in the Joint EASA/EC note presented to the Management Board in March, the substance of the IRs will not be changed and there will only be an impact on distribution of the rules in the annexes as showed in such a note. Therefore, the

timetable should not be impacted. The AR-OR Opinion being currently finalised, it will remain in the horizontal structure, as it had been drafted, but the vertical structure will be implemented before final discussions in the EASA Committee. For subsequent Opinions (i.e. OPS CAT), an evaluation of the workload would take place to see if verticalisation would take place before or after the publication of the Opinion. The schedule for the next EASAC (May, June 2011) will be held as planned. EC added that during the discussions in the EASAC MS could still make comments.

- NL and DK asked if an amendment was necessary to the already agreed Part FCL and would the safety benefits from Total System Approach be assured in the future. Concerning the first part of the question, the AOR provisions will be included in existing or additional annexes to the Regulation on aviation personnel, as explained in the Joint EASA/EC note presented to the Management Board in March. Concerning the Total System Approach, the EC believes that the essential benefits of it are ensuring the coherence of rules in the different fields of aviation and this may be perfectly done without using a horizontal structure. Agency replied to the second question saying that the MB agreed that it is not the right moment to introduce the horizontal structure. Agency clarified that an additional period for opt-out will be proposed for CAT operators to familiarise with new structure and invites NAAs to communicate the implications of the new structure.
- DK asked about the status of FCL.002 updating of FCL implementing rules, where the Agency explained that ToR is being prepared.
- BE remarked that FCL needs to be implemented by April 2012 and questions are therefore needed for the exams. When will Central Question Bank (CQB) be delivered and how long is the transitional period? Agency preliminary answer was that works revolve around existing JAA CQB, but a meeting took place on 21 March to decide on way forward in this issue. Further answer on Day 2 (see A.i. 6.)
- FR inquired on the status of "local flight". Agency explained that the scope of the Cover Reg. AR/OR has changed to exclude small airplanes < 2000kgs and helicopters carrying up to 6 persons.
- The Agency clarified that the planning on SPO and NCO will be made public after coordination with EC.

▪ **Update on Second extension**

- Agency gave update on ATM/ANS/ADR Rulemaking tasks and the Chair pointed out that certain activities to support EC are not reflected in the Rulemaking Programme, e.g. SESAR.
- AT reminded of safety-non-safety issue being discussed at AGNA 3-2010 and asked for EASA position. On this issue, EASA will continue to coordinate with EC, whose mandate is not limited to safety. EASA will avoid regulating non-safety issues, asking EC for advice on non-safety aspects which may already be contained in some Opinions.
- DE inquires about the link to "interoperability" regulation, the Agency indicated that this is subject to future task ATM.005 "Requirements for systems and constituents". Agency made it clear that advice and support from industry were needed.
- DK pointed out that ATCO licensing opinion did not include a sub-part. Agency explained that this was a fast-track, cut and paste exercise with elements of AR/OR

in the package because previous rule was transposed. In this respect it is a unique regulation.

- On SK request for clarification, EASA stated that the ATSEP personnel licensing (ATM.001) was dealt with by an ad-hoc working group.
- RO asked if AOR certification basis has taken into account standardisation, since it is possible for MS to apply different standards for certifying aerodrome operators in another State. Agency clarified that each NAA has responsibility to certify aerodrome operator and infrastructure in its country but certification for operators in other countries is an ongoing task.

Conclusion/Action:	N/A
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## *Day 2*

### **6. Agenda Item: AOB**

The Chair commenced the session by reviewing the items which had been suggested to be added to the Agenda:

- **State aircraft - Article 1(2)**

- Will coordinate with Standardisation to provide concrete cases to enlighten the issue. The note is expected to be finalised next month and circulated to AGNA.

- **Future of AGNA**

- Issue was debated at last MB. MB minutes will be circulated.

- **Review of Rulemaking procedure**

- Good progress has been made. Expect draft proposal on how to improve process before the summer break, so AGNA can make comments. MB will receive draft in September.

- **AGNA ATM (and link to SRC)**

- The first meeting (23 Feb 2011) made clear that SRC should transfer its regulatory competences in ATM/ANS safety issues to the Agency and how to bring advice from Member States in this domain in the system.

After the review, the following questions were asked:

- NL, FR shared concerns about more forums created such as the FCL partnership group, how they would fit in with the review of the rulemaking procedure and why the ToRs were not treated more formally, with communication to AGNA.
- The Chair explained that the group concerned was not owned by EASA, but was a MS initiative to which the Agency participated and which it supported logistically. The remit of the group is not of regulatory nature but more to harmonise practises, so RM process not involved. Agency also considers supporting these groups with its own benefits in mind.
- DK and AT supported the initiative, confirming that in their opinion AGNA was not the proper forum as this was not interfering with Rulemaking or Standardisation.
- FR asked why AGNA role was not discussed in this forum.
- The Chair stated that decisions on this subject had to be taken. Some Member States continued the discussion and asked for EASA involvement since this was a sensitive issue that required coordination of the different bodies involved. The Agency took note that FR was not happy with the way proceeded.

- **Volcanic Ash**

- A-NPA on operator risk assessment to fly in known levels of ash will be published in the next weeks. An ICAO document on the issue is being prepared with CAA-UK. Its content will be embedded in the A-NPA to give all stakeholders the opportunity to comment. The A-NPA will also inquire how the ICAO document should be transposed into the European framework.
- NPA on Instructions for Continuing Airworthiness link to volcano ash should be published in June 2011.
- Finally, an A-NPA on possible new certification standards for flying in ash will be published in Q4.

Conclusion/Action:	N/A
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### 3. Agenda Item: General introduction (continued)

#### ▪ Art. 7 pt 6 of the Rulemaking Procedure

- Agency presented the issue, highlighting the procedure for raising major objections from MS to a rule, which involved notifications through the Permanent Representations of the MS. Chair mentioned that FTL might be first case of such an objection raised (UK-CAA) and to hold a dedicated AGNA meeting. Notification letters will be in the future translated into the national languages.
- UK inquired if technical experts can be invited to the dedicated meeting. Agency insisted on the political nature of the meeting.
- FR remarked that major objections were never raised from their side as Art.7 pt 6 has not been completely understood by the French authority and asked to clarify, by reviewing the Rulemaking Procedure, which entity was representing the MS. Agency clarified that it is using diplomatic means for notifying NPAs affecting Member States and that each State will have to follow their administrative system bringing that information to the body in charge of the procedure.
- NL inquired whether NPA 2007-09 on "Part 145 single/multiple releases", which received a lot of opposition from MS would have been such a case. The Chair confirmed it could have, but no feedback had been received from MS through the means put in place.

Conclusion/Action:	N/A
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### 3. Agenda Item: 4-year Rulemaking Programme

#### ▪ State of implementation of 4-year Rulemaking Programme 2011-2014

A presentation was given, no questions asked.

#### ▪ Preparation of the 4-year Rulemaking Programme 2012-2015

##### ▪ Presentation and discussion on Ranking List and Pre-RIAs

The Chair reminded that this was the core issue of the meeting.

New Pre-RIA format, which was agreed last year, was used. Most Pre-RIAs were submitted to advisory bodies on 2 March 2011 and two additional ones followed on 15 March. The methodology used to build the programme was explained where it is important to notice that Agency's rulemaking departments are at different stages in their life cycles. While Product Safety and Environmental Protection rules are in place so the rulemaking in these domains is largely to maintain rules, the Flight Standards and ATM/Aerodromes rules are under development. This clearly requires very different planning approaches.

It was highlighted that ATM.010 "Carriage of ACAS II equipment on aircraft other than aeroplanes in excess of 5700kg or 19 Pax" has been introduced in the inventory. A pre-RIA is being finalised and will shortly be sent for consultation.

- FR asked to add the result of the Pre-RIA in one specific column in the table.
- NL, UK, AT: confirmed specific comments on pre-RIA were coming but provided some general feedback:
  - Noted that in Chapt 2, it was difficult to grasp the problem, whereas answers were sometimes found in Chapt 3.
  - Also, often the text refers to a study, but the conclusion reads that a RM task will be launched. Would expect the conclusion of the study before this decision?
  - There were inconsistencies in the table for risk for the use of the terms "high" or "low" together with "improbable".
- AT stressed the need for clarification if further studies were needed and asked to extend the terms used in the Pre-RIA for task 21.050 to all related tasks so that all terms have similar definitions in all Parts. Maybe have another separate task for Parts 145, 147 and 66? Agency explained that this would not be easy to combine as terms do not have same consequences in all Parts. Nevertheless, as there is something in AR/OR, tasks MDM.055 and .060, will need to embed this in Airworthiness. It can be mentioned in ToRs.
- AT reminded that pre-RIA on ATM.010 should take into account AT comments submitted in November 2010.
- 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. Also, AGNA should bring to the Agency's attention safety issues requiring Rulemaking action for handling them as part of this process.

Conclusion/Action:	1-1-2011: Agency to review Pre-RIAs in the light of AGNAs comments.
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#### **4. Agenda Item: Feedback on implementation of EASA rules**

AT presented the IP03 containing the 3 issues raised.

Agency pointed out that comments would be taken but issues would be re-addressed in June in coordination with Standardisation.

##### **Annex I of IP03: Austrian Paper on EU Member States not mutually recognized in the area of JAR-FCL**

Currently some EU Member States accept trainings provided and JAR-FCL licences issued by EU Member States with "non-mutual recognition status" and some do not, which leads to discrimination, safety issues and legal uncertainty. Also, licences issued by a "mutual recognised" EU Member States endorsed with a rating based on a training performed within "non mutual recognized" EU Member States may have an uncertain status in the future.

- DK, HR confirmed they had faced this issue. Agency stated it was aware of the problem, but it had several facettes and was not in the Agency's remit. Would work with EC to find a solution together with International Cooperation and Standardisation. There have already been discussions with EC on this, and a solution is expected before summer.
- AT requests a status quo list of non EASA States in respect of mutual recognition of certificates, and BG a formal statement on this issue.
- EC indicated that it will work with the Agency to produce such a list and communicate to AGNA

**Annex III of IP03: AT asks for discussion on** 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.

- AT inquires how these licenses can be accepted. Agency responded that countries with working arrangements are standardised, and there can be mutual recognition at the end of the process when bilateral agreement stands and EC has enough info to determine if they can proceed to mutual recognition.
- HR: What is the end of the process? Is the aviation agreement really in force? EC

explained that the end of the process is when aviation agreement is officialised through mutual agreement. For ECAA States this is after Phase 2 of the ECAA, when the complete air safety acquis has been adopted and implemented. In the case of other countries, mutual recognition of certificates cannot be granted automatically by virtue of the simple signature of an aviation safety agreement: only after verification that the non-EU country in question has completed legislative alignment of the EU air safety acquis, which is something that usually happens years after the signature of the agreement itself and once that the EC and EASA have verified the complete legislative alignment of the non-EU country with the EU law.

### **Annex II of IP03: Austrian Paper on recommendation for issuance of Airworthiness Review certificate M.A.901**

- 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.. IT supports AT position, asks to have this review also for standardisation. Agency replies that it will discuss this issue with Standardisation and report at the next meeting.

### **Issue introduced by CH: List for Type-rating of Helicopters on EASA website**

(CH will provide a few lines to explain the issue faced)

- CH: The list has been updated but there was no "correction modus" visible, resulted in wrong endorsement of pilot license. Asks for update indication on website. Agency takes note and will bring feedback to Certification.
- 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."

### **Issue introduced by BG: Annex II list, which was quite helpful, has been removed end of last year from the website.**

- Agency stated that the list was purely indicative and it was announced it would only be published for a short time. Will coordinate with Certification to eventually reinstate.

### **Issue introduced by Agency: review according to Art. 3 pt 9 (review of impact of rules)**

Chair reminded that feedback on rules, their obsolescence, was always welcome and necessary. Agency gave an example: Airworthiness rules have existed for more than 5 years now. It is time to review them, but it cannot not all be done in one year. The Agency has chosen a step by step approach.

Firstly, this year, the agency will focus on reviewing CS-E as comments from engine seem to indicate that some requirements no longer appropriate. Discussions with Certification and stakeholders on CS-E will take place and if depending on the resulting recommendations, rulemaking task will then be initiated.

Secondly, Part M for General aviation will be similarly reviewed and recommendations issued. MS States are kindly requested to give feedback from the GA community on Part M rules.

- AT welcomes GA review exercise, as it is felt there are too many rules, which decreases safety. Focus on safety related issues stressed.
- EL: supports AT, gives example of persons operating EASA regulated or non-EASA regulated aircraft with JAA/national licences. Insists on simplification of GA to make things safer.

Chair concludes by affirming that Agency is concentrating on “Better Regulation” principles

Conclusion/Action:	<p>2-1-2011: Agency and EC to find a solution for EU Member States not mutually recognized in the area of JAR-FCL.</p> <p>3-1-2011: Agency and EC to produce status quo list of non EASA States in respect of mutual recognition of certificates and a formal statement on this issue.</p> <p>4-1-2011: Agency to coordinate discussion on Airworthiness Review certificate M.A. 901.</p> <p>5-1-2011: Agency to communicate internally update issue on List of Type Rating of Helicopters on EASA website to Certification.</p> <p>6-1-2011: Agency to coordinate internally with Certification to eventually reinstate list on Annex II on EASA website.</p> <p>7-1-2011: MS to provide feedback from GA community on Part M rules.</p>
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## 5. Agenda item: AOB

### ▪ Planning of future meetings

AGNA 2-2011 meeting will be limited to a full day on 21 June as Commissioner Kallas is visiting EASA on 22 June.

AGNA 3-2011 will be held 16-17 November 2011.

12 April 2011: OPS CRD meeting. Date for TCO workshop to be defined. Agency will update the paper with dates of the workshops and communicate to AGNA.

SK asks when the combined AGNA-ATM/SRC meeting will take place. This is still to be defined.

### ▪ Article 83 bis

Agency provided an update on the work conducted, a joint position paper with EC will be presented at AGNA 2-2011, but circulated in advance.

- FI asks if relation between Art. 83bis and Art. 10 of Regulation 216/2008 will be covered? IRs which are to be drafted very soon should reflect this.
- Agency confirmed that the relation between 83bis and Art. 10 will be somehow taken into account in the context of the paper and of the new IRs..

### ▪ Measures launched to improve quality of translation

Agency presented the various activities involved, highlighting the fact that they served to better the quality of the texts, but also of the translation system within CdT/EASA.

- AT requests that texts to be reviewed by NAAs during comitology be based on the text agreed in committee, not on the original opinion, otherwise revision very difficult. This

was noted by EC representative.

- BG insists that NAA is not qualified entity to assess translation of professional translators, and that for checking the validity of terms glossaries should contain consistent definitions.
- EASA recognises the resource issue, would appreciate more reference material to help freelance translators in their work.

▪ **New issue: Central Question Bank (CQB)**

Agency explained the background of the issue and current status of CQB. The development of new questions has been initiated already. As the previous group dealing with the existing data base (SET) has stopped its work, a meeting with former CQB experts from Member States took place on 20 March in order to discuss the future options. Member States are in favour to continue with the existing Data Bank for FCL and to set up a new group for the maintenance of this data base. Agency was asked by the participants to prepare ToRs for such a group but identified already the problem of resources. It is not yet decided how the European CQB will look like/contain in April 2012. A letter will be sent to AGNA to explain the future steps and to invite experts for participating in this group.

- BE asked whether the new CQB be ready in April 2012, and if, will an IT system be available? Agency replied that pragmatic solution could be to continue with the old questions, issuing a new updated "EQB 1" instead of a "CQB 15". No change of IT tools is planned so far as most of the Member States have a well functioning system in place.
- 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 used). Agency was not aware of this as the JAA database was agreed to be the only one to be used. Target should be to eliminate the mistakes present in the current questions and to review the process.
- FR asked what about copyright issues? Agency replied that this would not be a problem for the new questions, as they were owned by the Agency. Old questions are owned by Member States. Member States also agreed not to publish the questions in order to avoid "rote-learning" (learning by heart). The study came to the conclusion that the time for the theoretical examination has to be reduced to 2,5 days if all the questions would be published. The examination procedures need to be changed before going public. This change of the Implementing rules will not be initiated within the next years.
- SE asked what the timeframe is concerning the review of questions of the existing CQB? Agency replied that the future group together with the Agency will try to identify erroneous questions. The number of wrong questions is not known but Member States indicated that may be 10-20% of questions are not correct in the existing database. For this task the Agency needs help of NAA experts. Agency pointed out that Member States were asked to provide support also for the validation of the new questions just delivered.
- ME inquired about the status of Part 66 CQB. Agency pointed out that currently this is not possible due to budgetary constraints.
- IS suggests one centralised examination centre. Agency takes note of suggestion

**Further issues:**

- NL, BG request to have documents for preparation of meeting/follow-up documents at least 1 week in advance/ soon after meeting.
- FR inquires on the status of the "cruise relief co-pilot". Agency will inquire on the state of play of the study and inform at next meeting.

Conclusion/Action:	8-1-2011: Agency to determine date for TCO workshop and update the
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	<p>paper with dates of the workshops and communicate this to AGNA</p> <p>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.</p> <p>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.</p> <p>11-1-2011: Agency to send a letter to AGNA to explain the future steps and to invite experts for participating in the group.</p> <p>12-1-2011: Agency to inquire on the state of play of the study on "cruise-relief co-pilot" and inform at next meeting</p>
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<b>6. Closing</b>	
The Chair thanked everyone for attending. The meeting closed at 12.15h.	
Conclusion/Action:	N/A

<b>List of actions:</b>					
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	C	Only one term exist in the NPA
3-2-09	Review the impact of 83bis agreements on Part-TCO;	Agency	ASAP	C	issue has been addressed in NPA TCO. OPS.100, in line with latest amendment of FAR 129
3-3-09	Evaluate the way Third Country Operators (TCO) related information could be disseminated to Member States;	Agency	ASAP	C	covered by AR.TCO.105, where Agency will inform how licences can be revoked.
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.
3-5-09	Review requirements for Member States and guidance for the issuing and oversight of pilot authorizations;	Agency	ASAP	C	No remit (see general remark on limitation of scope under A.i. 3 "review of action items").

3-6-09	Take Cooperative Oversight for TCO into account.	Agency	ASAP	C	Ramp inspection performed by MS will be the main tool to oversee TCO.
1-3-10	Share paper on matrix classifying commercial/non-commercial organisations.	German member	ASAP	C	German paper (IP10) 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	C	Presentation held at 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	C	issue addressed in task MDM.029.
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		C	Issue will be raised at one of the next MB meetings.
2-5-10	Send letter to AGNA requesting comments from members on experience with the implementation of the article 83bis.	Agency	ASAP	C	Agency has received feedback from some MS. See agenda item under AOB.
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	C	Agency has held discussions with major leasing companies. See Agenda item under AOB.
2-7-10	Communicate findings on article 83bis in a future AGNA meeting in 2011.	Agency	At a next meeting	C	Agency will communicate outcome of process in a future AGNA meeting (probably 2-2011)

3-1-10	Agency to organise workshop on collaborative oversight	Agency	Beginning 2011	C	WS has been held in January
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	C	IETC has decided not to ask MS to publish AltMoC, but to inform EASA, there is to be no formal approval by the Agency.
3-3-10	Agency to issue pre-RIA for task 145.012 to be reviewed by AGNA	Agency		-	task 145.12 deleted, M.029 is a follow-up task which incorporates it.
3-4-10	Agency to produce pre-RIA for "SoA".	Agency		O	pre-RIA has been produced but not distributed
3-5-10	Agency to organise for AGNA strategic discussion on stakeholder communication at AGNA 1-2011	Agency	Next meeting	O	Agency will receive feedback from MB on stakeholder communication issue.
3-6-10	AGNA Members to provide feedback on Alt MoC paper by 4 February	AGNA	Next meeting	C	Comments received from AT, CS, DE, NL and UK.
3-7-10	Agency to plan a thematic meeting for the "Review of the RM procedure"	Agency	1 <sup>st</sup> or 2 <sup>nd</sup> Q of 2011	O	Thematic meeting on "Review of the RM procedure" planned for 12 April 2011
3-8-10	Agency to submit paper on article 1(2) state aircraft to AGNA	Agency	Beginning 2011	O	Waiting for position paper
3-9-10	Agency to create a permanent folder in CIRCA for Art. 14 documents	Agency		C	Interest Group "Art. 14 – exemptions" has been created on CIRCA, AGNA members have access
3-10-10	Agency to publish Pre-RIA on task M.029	Agency		C	Published on CIRCA
3-11-10	Agency to place suggested agenda items on agenda	Agency	Next meeting	C	Discussed at AGNA 1-2011
1-1-2011	Agency to review new Pre-RIA format in the light of NAAs comments.	Agency	Next Meeting	O	

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	O	
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	O	
4-1-2011	Agency to coordinate discussion on Airworthiness Review certificate M.A. 901 (and all other issues submitted by AT in IP03) internally together with Standardisation	Agency	Next Meeting	O	
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	
6-1-2011	Agency to coordinate internally with Certification to eventually reinstate list on Annex II on EASA website	Agency	Next Meeting	O	
7-1-2011	MS to provide feedback from GA community on Part M rules.	MS	AGNA 3-2011		
8-1-2011	Agency to determine date for TCO workshop and to update paper on dates of workshops, communicate to AGNA	Agency	Next Meeting	O	
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	O	

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	
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			
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	O	

Next meeting:
Date: AGNA 2-2011: 21 June 2011 (full day)
Location: Cologne: Barcelona Room, Jugendherberge Cologne Deutz, Siegstr. 5, 50679 Cologne

MoM prepared by	Kirsti Reinartz	06/05/ 2011	Signature
MoM reviewed by	Athanassios Tziolas	06/05/2011	Signature