

2009 Europe / US International Aviation Safety Conference



Update on Rulemaking Cooperation



Rulemaking Cooperation



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- EASA, the FAA and TCCA have agreed to actively promote mutual rulemaking cooperation. This will:
 - ★ Increase the level of rulemaking harmonization.
 - ★ Make the best use of scarce available resources.
 - ★ Formalize existing ad hoc cooperation.



Rulemaking Cooperation Documents



- These documents are intended to promote rulemaking cooperation by creating a means to:
 - ✦ Exchange rulemaking intentions and priorities to align the authorities' rulemaking programs as much as possible,
 - ✦ Identify tasks of common interest suitable for joint development, and
 - ✦ Establish processes for developing those tasks.
- **A copy of the rulemaking cooperation document that sets forth these agreements can be found at:**
 - ✦ (http://www.faa.gov/regulations_policies/rulemaking/)
 - (http://www.easa.europa.eu/home/r_rps_documentation.html)
 - (<http://www.tc.gc.ca/CivilAviation/certification/int/menu.htm>)



Rulemaking Cooperation Documents



- Tasks of common interest are classified into two categories:
 - ★ Joint Action: These issues appear on both the authorities' work programs with compatible timeframes. Work should be shared as much as possible.
 - ★ Information Exchange: These issues require improved awareness in order to avoid potentially incompatible regulatory developments.



2008-2009 Progress - Meetings



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- April 2008 (Cologne – “kick off” meeting):
 - ✦ Reviewed our rulemaking processes item.
 - ✦ Held certification and flight standards break-out sessions to review each others’ 2008 rulemaking programs.
 - ✦ Initiated the development of a tentative list of items of common interest
- May 2008 (Ottawa – working group meeting):
 - ✦ Analyzed our respective rulemaking processes in detail to determine similarities and how they can interact.
 - ✦ Started drafting the procedures to implement and maintain the rulemaking cooperation effort.

2008-2009 Progress - Meetings



- October 2008 (Ottawa – working group meeting):
 - ★ Finalized the procedures to implement and maintain the rulemaking cooperation effort.
 - ★ Prepared recommendations for full group meeting in November.
- November 2008 (Washington – CMR meeting):
 - ★ Discussed progress since last full group meeting (April 2008).
 - ★ Reviewed and approved proposed procedures to implement/maintain cooperation effort.
 - ★ Held break-out sessions to identify initial test projects.

2008-2009 Progress - Meetings



- April 2009 (Cologne – CMR meeting):
 - ★ Discussed progress since last meeting (November 2008).
 - ★ Reviewed progress on the 7 test projects identified in November 2008 and discussed the ongoing review of “look ahead” rulemaking project inventories.
 - ★ Agreed on timing and content of the next working group meeting.
 - ★ Established goals to be achieved before next CMR meeting (October 2009 in Washington).

2008-2009 Progress – Inventory Exchange



➤ 2008 Rulemaking Inventories:

- ✦ **FAA/EASA/ TCCA shared their inventories prior to the “kick off” meeting in Cologne.**

➤ 2009 Rulemaking Inventories:

- ✦ **FAA/EASA recently shared their 2009 “look ahead” rulemaking inventories. The FAA’s inventory covered the next 3 years, while EASA’s covered the next 4 years. FAA/EASA provided comments on projects for possible joint action. TCCA 2009 inventory and comments being prepared.**

➤ Future Sharing:

- ✦ **FAA/EASA/TCCA will share their rulemaking inventories annually.**

➤ Updates:

- ✦ **If an authority commences rulemaking on a subject not part of its plan or sooner than anticipated, the other authorities will be notified.**



Improved Communication



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- FAA/EASA/TCCA have identified three levels of communication to promote rulemaking cooperation effort:
 - ★ **Rulemaking Coordinators** – One individual at each authority with responsibility for overseeing the overall rulemaking cooperation effort.
 - ★ **Working Group Coordinators** – Individuals from certification and flight standards offices with responsibility for overseeing the rulemaking cooperation effort in their office.
 - ★ **Focal Points** – Individuals leading specific rulemaking projects at FAA/EASA/TCCA.

Improved Communication



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- Communication is key between focal points during the definition and implementation stages of the rulemaking process.
 - ★ This may include drafts of documents when possible.
 - ★ Try to avoid surprises.
 - ★ Differences should be known and understood.



Rulemaking Cooperation Test Projects



- The 7 test projects are:
 - ✦ Third country operators.
 - ✦ SMS.
 - ✦ Aging aircraft.
 - ✦ Rotorcraft metallic structure damage tolerance item.
 - ✦ Protection from debris
 - ✦ Flight crew alerting
 - ✦ Very Light Jets/ High Performance Aircraft in FAR-23/ CS-23

Other projects where cooperation/ information exists



- Other projects where cooperation/ information exists include:
 - ✦ Instructions for Continuing Airworthiness (ICA),
 - ✦ Unmanned Aircraft Systems (UAS),
 - ✦ Security provisions for CS-25
 - ✦ Operational Suitability Certificate
 - ✦ Type III exits
 - ✦ Fuel tank safety
 - ✦ Form 1
 - ✦ Class B/F compartments
 - ✦ Airplane level safety assessment
 - ✦ Change product rule
 - ✦ ETSO
 - ✦ All Weather Operations (AWO)
 - ✦ Yaw condition for rotorcraft

Other projects where cooperation/ information exists



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- This ad-hoc cooperation not formally under the program should continue and is encouraged:
 - ★ **Full list (Flight Standard and aircraft certification) will be established at a dedicated meeting in July**



Lessons Learned



- Working with existing rulemaking inventories is difficult.
 - ★ Solution: FAA/EASA/TCCA to develop consistent “look ahead” inventories.
- Initial use of working method process was too aggressive.
 - ★ Solution: FAA/EASA/TCCA have identified a handful of test cases to implement the cooperation procedures.



Lessons Learned



- Focal points do not fully understand roles and responsibilities.
 - ★ Solution: FAA/EASA/TCCA have developed a focal point roles and responsibilities “pamphlet” which will be given to all focal points for information.

- Devil is in the details.
 - ★ Solution: Constant communication and analysis of how the effort is working will help to identify details early (before they become obstacles).



- Thank you for your attention
- Comments and questions are welcome



2009 Europe / US International Aviation Safety Conference

*“Global safety in challenging times -
How can we better achieve harmonised implementation?”*

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