

European Aviation Safety Agency

ADVISORY GROUP OF NATIONAL AUTHORITIES

MINUTES OF 1ST MEETING 2007

13-14 MARCH 2007

Introduction

Mr Probst welcomed all the participants and apologised for the Chair's absence, Mr Goudou, on the first day of the meeting.

Agenda

The proposed agenda was approved with the following inclusions:

- The progress and the next steps on the NPA regarding the safety and interoperability regulation of aerodromes;
- a status update on EU-OPS;
- the process for the handling of accident/incident investigation recommendations;
- exchange of views on the implementation of ICAO SARPs on Safety Management System (SMS);

The Group also agreed to handle Mr Woods's request for a discussion on the "alignment of Part 145 AMC 145.A.30(f)(2) to the latest revision of standard EN 4179", in the framework of in the 2008 inventory exercise.

■ Adoption of minutes of the previous meeting and actions arising

The Group approved the minutes of meeting 3-2006 subject to the deletion of the sentence "...while Mr Veingberg suggested developing more Guidance Material" on page 8.

The action table was displayed and a verbal debrief was given on each individual item as described in the attached action table. This allowed the closure of a number of action items.

Action required:

1. Members to provide documentation on problems with "escape slides" (Linked to closed action point 2-21-06).
2. The Agency to investigate and report on possible malfunction of escape slides. (Linked to closed action point 2-21-06)
3. Members to comment on the Agency position paper on "release of parts imported from USA which may become unserviceable". (Linked to point 2-23-06)
4. The Agency to reply to Mr Woods's paper on "release of parts imported from USA which may become unserviceable". (Linked to point 2-23-06)

1. General introduction¹

Extension of the Agency's scope: The members were informed that the Council had reached an agreement on the revised text, also supported by the Commission. During its February plenary meeting, the Parliament adopted a list of amendments that will be further discussed with the Council. It is anticipated that the German Presidency will bring this file at the agenda of the next Council meeting with the hope to adopt a common position before the end of its term. The Agency is, therefore, increasing efforts to prepare and issue its opinions on the implementing rules before the end of 2008.

EU-OPS: The Agency stressed the fact that due to the recent adoption of the Regulation amending 3922/91, this activity has become Community competence and Member States have to cease legislating in this area. Additionally, participants were briefed about the Air Safety Committee decision to progress approximately 10 items through comitology and to have all other rulemaking work following the EASA process. The Agency will convey a message to JAA Operations Sectorial Team saying that work related to JAA OPS1 is completed within the JAA framework except for the non-rulemaking activities.

The Agency expressed its view to put on hold most rulemaking activities and to only progress urgent items such as ICAO amendments. Mr Teillet agreed with the proposed approach and informed the participants about the Commission intention to extend the transition period beyond July 2008 to accommodate with the extension of the EASA scope into operations and pilot licensing.

Mr Teillet went on saying that it is not clear from the 2008 inventory which tasks belong to the 10 items referred to above and those that have to be progressed by the Agency. The Agency acknowledged this fact and responded that the list will be finalised after discussions with JAAT.

On Mr Bengston's enquiry whether there is good co-operation with JAA, the Agency responded that it is closely working with JAA Lo on the implementation of the JAA Business Plan.

Furthermore, Mr Lynggard enquired about the process followed for the conduct of standardisation activities. The Agency pointed out that it is following the JAA approach. But with the adoption of EU-OPS, the Commission believes that infringement by Member States shall be reported to them rather than JAA.

Aerodromes: The Agency stated that there were many comments received on this draft rule and on the A-NPA on general aviation (Re. task MDM.032) that had the same deadline for comments. In relation to the NPA on aerodromes, the Agency said that it did its best to address comments and envisages producing the CRD by the end of April so as to have the opinion ready before the summer break. Furthermore, the Group was informed that the Commission work programme foresees a legislative proposal by end of the year.

¹ The Group agreed at its 3-2006 meeting having a permanent agenda point to allow for a short update by the Agency on issues associated to the rulemaking activities.

2. 2008 rulemaking programme and advance planning

Aside from the discussion on the long term planning, the Agency provided an updated status on the 2006 rulemaking programme implementation and briefed members on its intention to revise the 2007 programme to include the latest developments.

Despite the focus and efforts to further increase the implementation rate over the past years, the Agency delivered around 50% of the 2006 programme by the year end and expected reaching 65% by the end of March. The underlying factors for the encountered delays, on which the Agency has limited control on, are known and were described in previous proceedings.

Meanwhile, the Agency adopted the revised 2007 rulemaking programme whilst anticipating the recruitment of 7 and 12 additional staff members in 2007 in the area of airworthiness and OPS/FCL respectively. With the latest revision of the Agency's staffing plan, the airworthiness posts have been reduced to three persons, expected to be in place only at the beginning of 2008. Additionally, the Agency did not attract enough good candidates for the operations and licensing fields. Last, the Agency is blamed by the Management Board and various stakeholders of not fully delivering its original plans. With the above factors in mind, the Agency envisages slimming down the 2007 rulemaking programme to reflect the actual resources available and lessons learned from experience.

Considering the knock-on effect of the 2007 programme adjustments and the available resources, there is only room for a few new tasks in the 2008 programme.

The participants were also informed that the Agency has exchanged rulemaking plans with FAA and TCCA and that it will have discussions on the tasks of common interest and the corresponding working methods.

The Agency handed out the paper entitled "candidate tasks for the 2008 rulemaking programme", containing 67 tasks, derived from 2008 rulemaking inventory, and stressed that it is not feasible to progress most of them due to the reasons explained above. The Agency said that it is crucial for the Group to explore and answer questions such as: shall the Agency focus on initial or continuing airworthiness; whether a rule change is more important than the production of interpretative material. In addition, the Group has to advise on the content, priorities and/or any issue where significant possibilities of potential hazards have been identified.

Subsequently, the Agency displayed the above paper and briefly presented the scope and purpose of each individual task. The ensuing debate is described in annex I to the minutes.

In another domain, Mr Gessky advised for better co-ordination between rulemaking groups to have a coherent approach, increase efficiency and avoid conflicting positions on interface issues. The Agency invited members to indicate such tasks when submitting their views on 2008 priorities.

The Agency concluded by outlining the cycle for the development of the draft 2008 plans, after consultation of FAA, TCCA and the industry. In this context, the Group was invited to further reflect on 2008 priorities and submit their views in three weeks time.

Action required:

5. The members to indicate tasks with interface issues that require co-ordination, when submitting views on the 2008 priorities;
6. The Members to provide inputs on 2008 priorities in three weeks time.
7. The Agency to produce the draft 2008 programme and advance planning by end of April on the basis of inputs received from the various parties.
8. The Agency to undertake a legal evaluation to which extent the list of type ratings, issued as an AMC, is binding for the Member States when they issue licences in accordance with Part 66

3. Review of top 10 issues

Establishment of a list of topics on which AGNA members want discussions on substance during AGNA or special workshop meetings

The Agency recalled the intent of this agenda point which aims to agree on a shortlist of jointly identified items that are important in terms of safety, strategy and/or policy, on which the Agency could support debates in AGNA or dedicated meetings.

During the ensuing exchange of views the following proposals were made:

Ms Linden suggested having an exchange on UAV policy. The Agency indicated that the corresponding CRD is ready for publication and that it is awaiting feedback from the Commission on the creation of a dedicated group. Additionally, EUROCAE was tasked to assist in the certification of UAV less than 200 kg.

Mr Teillet expressed concerns about the use of different approaches in Member States to address operational issues such as test flights or initiation flights by airclubs. He considered appropriate to have a substantive discussion as an input to rulemaking in these fields.

Mr Ramirez was in support of Mr Teillet proposal and wished having a discussion on the “flight testing” task. Mr Teillet pointed out that in France a pilot is required to meet special requirements to compensate for the limited airworthiness of an aircraft. The Agency said that this topic will be covered in a meeting, scheduled on 16 March 2007, to present and discuss issues surrounding the implementation of the “permit to fly” framework. The Group agreed to revisit this point if it is not appropriately addressed during this venue.

Mr Woods suggested having an exchange of views on the implementation of ICAO Safety Management System (SMS) concept. The Agency responded that it tasked the group working on the implementing rules on Operations to develop a generic concept, that latter on can be applied in all aviation domains. Additionally, it was clarified that the various Parts already cover some elements of the SMS concept and, therefore, the Agency has to find a clever way to harmonise these elements. The Agency agreed that this is a reasonable good subject for a seminar to discuss and agree on a common position towards ICAO which is also working on the subject. The seminar shall be scheduled after completion of work by the rulemaking group. Mr Teillet emphasized that the NAAs have to implement a “state safety programme” and such a discussion should not restrict to SMS concept only but that it shall encompass these aspects. Mr Gessky suggested

asking the Commission for guidance on how to best address this issue. The Agency agreed that in the context of a Community Safety Programme, the Agency can play a role but shall not be the leading actor. It shall therefore liaise with the Commission to get advice on the way forward. Ms Linden asked on whether they have to file a difference in view of the challenging timeframe for introduction of this concept. The Agency said that the Air Safety Committee agreed to file a partial difference since OPS package is covering some elements of the SMS concept.

Mr Sigurjonsson wished receiving advice on the standardisation of approved line stations. Mr Gessky suggested developing guidance material on this matter. The Agency responded that the issue is know and addressed by task M.017. Additionally, the Agency agreed to make a written response to the member.

Following discussions, it was agreed to focus on the following points:

- Status update during the June meeting on the implementing rules on Operations. The members were invited to make their points in writing to allow the Agency to prepare for the meeting.
- UAV workshop with all key players, which shall be open to non-AGNA members.
- Thematic meeting on SMS in September to have a discussion and define a common position towards ICAO.

Action required:

9. The Agency to ask the Commission for guidance on how to best address the SMS concept at Community level;
10. The Agency to co-ordinate a common position on SMS concept towards ICAO;
11. The Agency to make a written response on the standardisation of approved line stations;
12. The Agency to provide an updated status on the implementing rules on Operations at its next meeting;
13. The Agency to organise a workshop on UAV with all key players in 2007;
14. The Agency to organise a thematic meeting on SMS on 18 September 2007;

4. AOB

- Planning of future meeting

11-12 March 2008 was confirmed as the next meeting dates.

- Organisation of workshops

The Agency provided a summary of the paper, confirming that the plan was to continue having such workshops. But the Agency needs guidance on whether it has to put resources on the drafting of rules or increasing the understanding of the rules, especially as the latter requires a lot of resources. Additionally, it was specified that NAAs have to organise and do all the preparatory work for the regional workshops.

Mr Skehan said that the workshops were seen as very valuable, enhanced appreciation and welcomed by regulated persons. He said that possible topics for additional workshops are “permit to fly” and “aircraft moving from registry”.

Mr Teillet suggested having a workshop on “general aviation”, “revision of Part M and/or the implementing rules on OPS/FCL” which affect a large number of stakeholders. The Agency responded that a workshop on the implementing rules on OPS/FCL will be held towards the end of the year. The exact date will be defined when the outcome of the legislative process is known. Additionally, it was said that the NPAs on MDM.032/M.017 are planned for May 2007 and that a workshop may be organised in June/July.

In summing up, the Agency said that it may consider organising central workshops in Member States to improve networking with the regulated persons. The Agency will transmit a questionnaire with possible topics and invite members to indicate their needs.

Action required:

15. The Agency to transmit a questionnaire with topics for workshops;
16. The members to indicate needs for central and regional workshops.

Report on developments

- orphan aircraft
- establishing a common list of Annex II aircraft

The Agency introduced the papers and said that it had created a task force gathering the various Agency directorates to address these issues.

Mr Teillet said that he is awaiting an invitation from EASA for a meeting on the Annex II aircraft list.

MMr Woods/Teillet outlined the constraints of the proposed approach. They commented that there is a problem with the continuing airworthiness oversight and the production of parts. Furthermore, they expressed concerns about the absence of a TC holder, which has a co-ordinating role in the flow of information. Last, they wished receiving more clarity on the next steps of the restricted CoA file that could address some of the outstanding issues in this domain.

The Agency responded that a meeting will soon be organised to agree on a consistent list of Annex II aircraft. In relation to orphans, it was clarified that Specific Airworthiness Specifications (SAS) will be issued in co-operation with the NAAs. The Agency acknowledged that maintenance and production of parts are pending issue not appropriately covered by the respective Parts. Finally, it recognised that the risks shift to the community in the absence of a TC holder.

The Agency regretted the fact that work had not progressed as expected on the restricted CoA, but an NPA will be issued on the subject soon. Furthermore, it was of the view that restricted CoA is probably not the best task to address orphan aircraft issues as its scope is of a more general nature.

Mr Gessky was in support of having a common list of Annex II aircraft. Moreover, he commented that orphan aircraft will lose the possibility to operate commercial flights under restricted CoA and advised grandfathering their rights.

The Agency acknowledged the above fact and suggested addressing this issue by revision of the EU-OPS regulation so as to lift this restriction.

- Exchange of views
- Permit to fly

The Agency presented the paper and specified that it is not fully in line with the conclusions of the EASA Committee as it was prepared before that meeting.

Mr Woods advocated for CAMOs issuing permit to fly, in co-operation with the manufacturer, instead of passing through NAAs.

Mr Gessky commented that the NAA cannot revoke the permit to fly if the conditions are not met by the owner and believed that NAAs will have difficulties to implement the new regulation. He strongly opposed to the agreed concept and wished continuing with the existing system until the adoption of the amended EASA Regulation.

The Agency noted that the new regulation will be adopted and that the text needs further improvements. A meeting will take place on the end of week to clarify how it will be implemented. It also intends to re-launch rulemaking to give privileges to CAMO to issue permit to fly.

- CIS aircraft

The Agency briefed participants on the latest developments. It said that the EASA Committee made important changes to the Agency opinion. Only aircraft to which a Member State had issued a certificate of airworthiness and which were on its registry when Regulation 1702/2003 entered into force in the Member State, will be eligible. Furthermore, the measure will only be valid for one year. The Commission may extend the period by another 18 months, provided the Agency received an application for an EASA Certificate within the first year and the process cannot be concluded within that year. This means that concerned aircraft will have around 2,5 years to receive an EASA Certificate.

- Thematic meeting on issues of common interest

It was agreed to organise workshops:

- On the new concept for “Aircraft other than complex motor powered aircraft, used in non-commercial activities” in June/July 2007.
- On Part M and interface with MDM.032 at the launch of the NPA on Part M.

Action required:

17. The Agency to organise a thematic meeting on “aircraft other than complex motor powered aircraft, used in non-commercial activities” in June/July 2007;

18. The Agency to organise a thematic meeting on “Part M and interface with MDM.032” at the launch of the NPA on Part M;

- Release of parts imported from USA (action point 2-23-06)

This point is reported in the action table under the corresponding point.

- Safety Information Notices (action point 2-30-06)

This point is reported in the action table under the corresponding point.

- ICAO Safety Management System

This point was discussed under the agenda point 3 entitled “review of top 10 issues”

- Accident Investigation Bodies recommendations

The Agency described the process followed and the tools that it has put in place for the handling of AIB recommendations. The Agency received around 60 recommendations and has already replied to half of them.

The Agency confirmed that the description field in the 2008 rulemaking inventory is a summary of Agency plan to address recommendations and called AGNA to provide guidance on priorities and needs.

- Organisation of meetings

AGNA agreed to come back to a one day meeting and to continue with the current approach only in cases of a heavy agenda.

Date of next meeting

The next meeting will be held on 20 (starting 14h00) and 21 June 2007 in Cologne.

Actions table

Action #	What	Who	When	Status	Comments
1-6-05	The Agency to pursue work on WP02 – prioritisation taking into account comments made by the consultative bodies	Y. Morier		O	Mr Teillet advised addressing MB observations and involving advisory bodies in the prioritisation of tasks.
3-1-05	Take into consideration NAAs’ offers to provide the Agency with draft NPAs.	Agency		~	The NAA are invited to submit documentation which can be used as a draft NPA (without committing the Agency to give follow-up to such submissions).
1-39-06	Submit comments by writing on how the implementation of the GERT could affect the implementation of agreed JARs	Agency Members		O	Agency awaits inputs from members. The Agency reported that it decided to follow a pragmatic approach and asked OPS/FCL groups to reflect on how the new rules could best fit in the EASA regulatory structure. In this context, Mr Rieder presented the results of a study describing the challenges faced when CAA Netherlands changes their systems.
1-42-06	Send a letter to DG Trade on the “FAA requirements on imported parts” and the problems faced by European equipment manufacturers	Agency		C	The Agency waits for the conclusion of the BASA negotiations. As a first step it included already in the BASA MIP the need for US applicants to prove the existence of the market.

Action #	What	Who	When	Status	Comments
2-21-06	The Agency to examine the need for an ETSO article on “escape slide” and to consider including it in EUROCAE work package.	Agency		C	<p>The Agency believes that it is a maintenance issue, to be addressed in this context. Hence; it will not include an ETSO article on “escape slide”. Mr Rieder considers this as a “design” case and would like to have the issue revisited by the Agency.</p> <p>At meeting 1-2007, the Agency explained that it has already an ETSO article that should normally address this problem. This ETSO specifies that some additional tests are required. Mr Rieder recalled MST meeting recommendations that stated that the problems cannot be addressed by maintenance but rather by better design. Mr Rieder expressed his willingness to conduct a further enquiry on the subject. MMr Wood/Rocha e Cunha confirmed that quite often design changes were required after maintenance of aircraft and agreed that this issue has to be addressed by manufacturers. Members were invited to provide supportive documentation on the issue at hand and the Agency to report on possible malfunctioning of escape slides.</p>
2-23-06	The Agency to draft a position paper on “Part M Subpart F” explaining the problem and how it intends to address the issue raised by Mr Woods.	Agency		C	<p>This issue covers the “release of parts imported from USA which may become unserviceable”. This needs to be further investigated. The Agency handed out a position paper on the subject at meeting 1-2007 and explained that the issue will be explored in M.017 task. AGNA was invited to react within the next few weeks if there are difficulties with the interpretation given by Agency. EASA will formally respond to Mr Woods letter.</p>
2-26-06	Ms Ruge to provide the Agency with the manufactures’ paper on transport airships.	Ms Ruge		C	<p>Ms Ruge has sent the letter. The Agency has not received it and will check with LBA.</p>
2-27-06	The Agency to consider the inclusion of a task on “transport airships” depending the urgency of the issue	Agency		C	<p>This point is already in the 2008 inventory and progress depends on the conclusions of the related pre-RIA.</p>

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Action #	What	Who	When	Status	Comments
2-28-06	The Agency to use UK CAA Paper on “helicopter ditching” as an input to the rulemaking group.	Agency		C	The Agency reported that the call for tender launched in 2006 was unsuccessful and that, therefore, it had re-launched it.
2-29-06	The Group to submit their views in writing on the role of the State of Design and the scope of ADs.	Group		C	The Agency informed AGNA about the results of the meeting held on 24 January 2007 which clarified the roles and responsibilities of the State of Design and State of Registry and any other issue associated to Airworthiness Directives. It also allowed to clarify the Agency approach and to learn from NAA experience. The Agency will organise a similar meeting with industry in May 2007. It will then produce a policy paper on the issue and have it validated by ICAO.
2-30-06	The Agency to draft a policy paper on the topic “Safety information notices”.	Agency		C	The purpose of SINs is to raise awareness across of the aviation community on possible safety issues. At meeting 1-2007, the Agency explained that point 2-30-06 was addressed during the meeting with NAA co-ordinators on the scope of ADs and will also be covered in the policy paper referred to above in action 2-29-06
3-1-06	Provide the Agency with ECAC data on fainting passengers.	Ms Ruge		C	Agency received paper beginning of February.
3-2-06	Reflect on how to present A-NPA in the programmes	Agency		C	The Agency proposed having A-NPA appearing as additional step before ToR and in support of pre-RIA.
3-3-06	Clarify task rationale of task MDM.039 on “harmonisation of enforcement system” when producing the terms of reference	Agency		O	The Agency said that the draft ToR is ready for circulation and that the task will be progressed once the legislator position is known.
3-4-06	Produce revised 2008 rulemaking inventory	Agency		C	The Agency circulated version 6 on 6 th of March 2007
3-5-06	Verify whether CIRCA newsgroup function can be used for the exchange of views by AGNA members.	Secretary		C	The Agency reported that it has enabled that feature for use by AGNA members.
3-6-06	Bring the revised rulemaking procedure, taking into account AGNA comments, to the Management Board for adoption	Agency		C	This point was put on the agenda of the MB meeting, scheduled for 28 March.
3-7-06	Provide items for the list of key issues	Group		C	Discussed under agenda point 2.
3-8-06	Draft a paper and propose possible co-operation projects for discussion and collective action (Follow-up to EASA-NAA partnership)	Agency		O	The Agency will produce paper for the next meeting.
1-1-07	Provide documentation on problems with “escape slides” (Linked to closed action point 2-21-06).	Members		O	

Action #	What	Who	When	Status	Comments
1-2-07	Investigate and report on possible malfunction of escape slides. (Linked to closed action point 2-21-06).	Agency		O	
1-3-07	Comment on the Agency position paper on “release of parts imported from USA which may become unserviceable”. (Linked to point 2-23-06).	Members		O	
1-4-07	Reply to Mr Woods’s paper on “release of parts imported from USA which may become unserviceable”. (Linked to point 2-23-06).	Agency		O	
1-5-07	Indicate tasks with interface issues that require co-ordination, when submitting views on the 2008 priorities.	Members		O	
1-6-07	Provide inputs on 2008 priorities in three weeks time.	Members	Begin April	C	
1-7-07	Produce the draft 2008 programme and advance planning by end of April on the basis of inputs received from the various parties.	Agency	End April	O	
1-8-07	Undertake a legal evaluation to which extent the list of type ratings, issued as an AMC, is binding for the Member States when they issue licences in accordance with Part 66	Agency		O	
1-9-07	Ask the Commission for guidance on how to best address the SMS concept at Community level.	Agency		O	
1-10-07	Co-ordinate a common position on SMS concept towards ICAO.	Agency		O	
1-11-07	Make a written response on the standardisation of approved line stations.	Agency		O	
1-12-07	Provide an updated status on the implementing rules on Operations at its next meeting.	Agency		O	
1-13-07	Organise a workshop on UAV with all key players in 2007.	Agency		O	
1-14-07	Organise a thematic meeting on SMS on 18 September 2007.	Agency		O	
1-15-07	Transmit a questionnaire with topics for workshops.	Agency		O	
1-16-07	Indicate needs for central and regional workshops. (Linked to 1-14-07)	Members		O	
1-17-07	Organise a thematic meeting on “aircraft other than complex motor powered aircraft, used in non-commercial activities” in June/July 2007.	Agency		O	
1-18-07	Organise a thematic meeting on “Part M and interface with MDM.032” at the launch of the NPA on Part M;	Agency		O	

Legend

O: Open; WP: Working Paper; IP: Information Paper

C: Closed (The items indicated as closed will disappear from table in the next minutes)

~: continuous task

Participants in AGNA meeting

EASA Member States

(Members)

Walter Gessky (2nd day)
Austria
Vitezslav Hezky
Czech Republic
Jan Bengston
Norway
Ingrid Linden
Sweden
Jose M. Ramirez
Spain
Bob Rieder
Netherlands
José Silvero Rocha e Cunha
Portugal
Udo Dehning
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Sigurjon Sigurjonsson
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Hungary
Jean Teillet
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Ari Vahtera
Finland
Trevor Woods
United Kingdom
Marve Allik
Estonia

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Eleonora Dobрева
Bulgaria
Olga Veisz
Romania
Manuel Keller
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Greece
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Ireland
Massimo Bandini
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Maciej Kozlowski
Poland
Martin Nemecek
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Secretary

Athanassios Tziolas

Non-EASA Member States

(Observers)

