



## **Explanatory Note to the Revised 4-year Rulemaking Programme 2014-2017**

### **EXECUTIVE SUMMARY**

The Rulemaking Programme is an annex to the annual Agency Work Programme; it provides the expected production of rules over a period of 4 years.

Rulemaking Programme 2014-2017 was officially adopted in August 2013. The Agency's Executive Director and the Management Board requested to take into account the overload of the EU aviation regulatory system and the economic downturn, calling for a breathing space:

- to allow for consolidation of the existing regulatory framework;
- to facilitate introduction of new key technologies and systems; and
- to focus on proportionality and suitability of regulations ('better regulation').

Taking into account this feedback, the Agency exceptionally revised its recently adopted Programme. In summary, the following changes were introduced:

- 34 projects have been taken out from this programme; and
- 67 projects have changed, either in terms of scope (decisions removed, tasks merged) or in terms of timing (starting date or end rescheduled backwards).



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### 1. Introduction

The Agency started the development of Rulemaking Programme 2014-2017 (hereinafter referred to as the 'Programme') in the second quarter of 2013. The draft Programme was shared with the rulemaking advisory bodies for written consultation and for a discussion at the SSCC and RAG meetings in June and July, respectively. The Agency improved and refined the Programme taking into account the feedback provided by all the stakeholders throughout the development process. Subsequently, the Programme was adopted by the Agency in August 2013.

In order to remain efficient and effective, the Agency's Executive Director and the Management Board identified the need for a review of the current rulemaking strategy and working methods to take into account the overload of the EU aviation regulatory system and the economic downturn, calling for a breathing space:

- to allow for consolidation of the existing regulatory framework;
- to facilitate introduction of new key technologies and systems; and
- to focus on proportionality and suitability of regulations ('better regulation').

In this respect, the Agency reviewed and refreshed the recently adopted Programme in line with the above principles. This revision takes into account the feedback from the European Commission and the Regulatory Challenges survey that broadly welcomed and confirmed the above principles as a key objective of such revision.

As a result of this exceptional process, the Agency presents the 4-year Rulemaking Programme 2014-2017 revision 1 ([see Annex II](#)). The revised Programme will become an annex to the Agency Work Programme 2014 and will contain the rules production activity for the period 2014 to 2017. It is built on the principle that the rulemaking projects planned for finalisation in 2014 and 2015 constitute the Agency commitment whilst the planning for the years 2016 and 2017 is indicative. The revised Programme is subject to review taking into account changing priorities, emerging urgent issues, progress of ongoing projects and resources available.

Concerning resources, the revised Programme takes into account the budgetary and staff planning information set in the adopted Agency's planning documents for the related period (i.e. the draft Work Programme 2014, Business Plan 2014-2017, Multiannual Staff Policy Plan 2014-2016). Similarly, the revised Programme takes into account the request for a more risk- and performance-based approach that will allow allocating resources in a targeted and proportionate manner to address identified risks, while avoiding generating any undue burden on Member States and stakeholders.

The priorities for the revised Programme in 2014 and 2015 are to:

- address (urgent) safety issues/safety recommendations;
- focus on core tasks and those activities which respond clearly to safety needs which will deliver important gains in terms of efficacy and efficiency of the safety system;
- implement General Aviation strategy via project and roadmap (focus on airworthiness and aircrew regulations);



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- contribute to ATM regulatory roadmap/deployment of SESAR and prioritise the work accordingly;
- continue a proactive role in ICAO's environmental protection work and keep European environmental regulation in line with ICAO SARPs;
- formulate Agency's views on regulatory issues such as Performance-Based Regulation, Total System Approach, etc.;
- support Member States and Industry on the new regulations and implement 'better regulation' proposals; and
- carry out a regular review of the existing rules to adapt the framework to the regulatory and technological needs.

In comparison to the Programme adopted in August 2013, the following changes were introduced in the revised Programme:

- 34 projects have been postponed (falling outside the revised Programme period) or deleted completely from the Rulemaking plans; and
- 67 projects have changed, either in terms of scope (sub-deliverables – decisions – removed from the projects or sub-deliverables merged with other projects) or in terms of timing (starting date or end postponed within the Programme period).

Furthermore, the Agency in cooperation with the European Commission will start the improvement of the full life cycle of the regulation process as outlined in the 'Better Regulation' paper; this will encompass, among others, the gradual revision of the existing regulatory framework, the support to Member States and Industry in the implementation of the rules, and the support to the European Commission in the review of the Basic Regulation.



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### 2. Highlights

This chapter presents the highlights of the revised Programme.

In the domain of **product safety**, the reorganisation of CS-23 to enhance safety of General Aviation, while reducing the certification costs, will be a core activity for the next year. The introduction of SMS in design, production and maintenance, as well as the codification of the related concept of level of involvement (LoI), will also be a key rulemaking activity in 2014. Furthermore, Phase 2 of the simplification of maintenance rules for General Aviation will continue. The project on Instructions for Continuing Airworthiness received high support from the industry and, due also to its major impact on harmonisation with other certification authorities, will play a key role in the next four years.

The review and updating of the initial new rules on **Aircrew and Air Operations** driven by feedbacks from the implementation play a key role in the period 2014-2017. Projects on enhancing pilot training and qualifications, as well as runway safety, as identified in the EASp, are included in the Programme. Moreover, the introduction of FTL requirements is gradually undertaken for all commercial and non-commercial operations with complex motor-powered aircraft. Concerning third country operators, the rules for sub-ICAO aircraft (i.e. aircraft certified below ICAO Annex 8 standards) and non-commercial operations with complex motor-powered aircraft will be initiated in this programming period.

In 2014, the Agency will continue the work on remaining **ATM/ANS and Aerodromes** projects and will lay down the necessary work to support future developments in this domain. With the publication of the opinions on ATCO licensing and ATM/ANS providers and the safety oversight thereof, the Agency will set up the regulatory framework implementing the Basic Regulation objectives, contributing to: (a) the systemic and operational issues addressed in the EASp; (b) the alignment with ICAO SARPs requirements; and (c) addressing the feedback from ATM standardisation visits. The on-going work is mainly needed to complement specific Annexes (on ATM/ANS services) of the rule on ATM/ANS provision. Special attention is paid on the horizontal projects such as enabling PBN operations in support of the SES and global application of PBN in other regions.

The Programme includes also rulemaking projects necessary to support the implementation of the European ATM Regulatory Roadmap<sup>1</sup> and the regulatory needs stemming from SESAR deployment. Further priority setting of the implementation of SESAR-related common projects will follow from the forthcoming decision on PCP (Pilot Common Projects) and from the SESAR deployment governance which the Agency will be

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<sup>1</sup> Given the overlap between SES and EASA frameworks and the need for transparency on comitology work, the Commission developed a ATM/ANS regulatory roadmap which would support the planning of rulemaking activities in the ATM/ANS field over a multiannual period. This document proposes the steps to be taken and principles in defining regulatory objectives and the associated rulemaking plan.



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part of. Implementation of SESAR-related projects will most likely further impact the rulemaking programme. Some tasks related to SESAR deployment are already included in the Programme and further indications for information purposes are included in [Annex III](#).

In the next years, the Agency will focus on finalising the soft law measures for Aerodromes rules and on further development and alignment of implementing measures on Aerodromes in line with ICAO work programme, especially ICAO PANS-ADR, RFFS and ICAO SL 020, and responding to technological developments as well as reacting to emerging safety issues.

For **environmental protection**, the main action will be to update the Basic Regulation and to amend CS-34 and CS-36, including the incorporation of the increase in noise stringency agreed at CAEP/9, as well as preparing for CAEP/10.

The Agency made a commitment in the Management Board of December 2012 to implement the 'Roadmap for Regulation of General Aviation' and report on its progress to the Management Board. Work is already progressing in the different fields as specified above. The analysis of issues from the GA community may require further actions by the Agency and will be taken up as resources permit.

### 3. Content and format overview

The projects of the revised Programme include rulemaking deliverables leading to:

- **Opinions** of the Agency on amendments of the Basic Regulation and its Implementing Rules; and
- **Decisions** of the Agency that are not dependent on the Comitology process;

Note that Decisions on Certifications Specifications, including Airworthiness Codes and Acceptable Means of Compliance, as well as Guidance Material linked to an Opinion **are not included in the Programme**.

The short version of the revised Programme is organised following the project management approach and published with the following information for each Rulemaking Project:

- Driver;
- Project title or related subject;
- Description;
- Start date (year); and
- End date (year).

The full version of the revised Rulemaking Programme 2014-2017 is available ([see Annex IV](#)).