



## Summary of Conclusions

RAG 2-2014 meeting

7 October 2014

Hyatt Regency Hotel, Meeting room Rheinsaal 2,  
Kennedy Ufer 2a, 50679 Cologne

Organised by

Strategy and Safety Management Directorate- Strategy and Programmes  
Dept. -Safety Programmes Section, SM 2.1

### List of Participants

Attendees	Ms	Karin	<b>Puleo-Leodolter</b>	Ministry of Transport	<b>Austria</b>
	Mr	Marc	<b>De Smet</b>	Civil Aviation Authority	<b>Belgium</b>
	Ms	Eleonora	<b>Dobрева</b>	Civil Aviation Administration	<b>Bulgaria</b>
	Ms	Ana	<b>Kapetanovic</b>	Croatian Civil Aviation Agency	<b>Croatia</b>
	Mr	Theo	<b>Rabenberg</b>	Transport Authority	<b>Denmark</b>
	Mr	Alfonso	<b>Arroyo</b>	Directorate General for Mobility and Transport, European Commission	<b>EC - DG MOVE</b>
	Ms	Susanna	<b>Metsälampi</b>	Transport Safety Agency	<b>Finland</b>
	Mr	Georges	<b>Thirion</b>	Direction Generale de l'Aviation Civile	<b>France</b>
	Mr	Dirk	<b>Sajonz</b>	Luftfahrt-Bundesamt	<b>Germany</b>
	Dr	Erika	<b>Varga</b>	National Transport Authority - Aviation Authority	<b>Hungary</b>
	Ms	Kristín Helga	<b>Markúsdóttir</b>	Civil Aviation Administration	<b>Iceland</b>
	Mr	Brian	<b>Skehan</b>	Aviation authority	<b>Ireland</b>
	Mr	Alessandro	<b>Cardi</b>	ENAC	<b>Italy</b>
	Ms	Anna	<b>Čudare</b>	Civil Aviation Agency	<b>Latvia</b>
	Mr	Bob	<b>Rieder</b>	Ministry of Infrastructure and Environment	<b>Netherlands</b>



	Ms	Nina Beate	<b>Vindvik</b>	Civil Aviation Authority	<b>Norway</b>
	Mr	Marcin	<b>Szczygieł</b>	Civil Aviation Office	<b>Poland</b>
	Mr	Rodica	<b>Cazanciuc</b>	Civil Aeronautical Authority	<b>Romania</b>
	Mr	Martin	<b>Němeček</b>	Civil Aviation Authority	<b>Slovak Republic</b>
	Ms	Melita	<b>Pristov</b>	Ministry of Infrastructure and Spatial Planning	<b>Slovenia</b>
	Mr	Magnus	<b>Molitor</b>	Transport Agency	<b>Sweden</b>
	Mr	Igor	<b>Pirc</b>	Federal Office of Civil Aviation	<b>Switzerland</b>
	Mr	Padhraic	<b>Kelleher</b>	Civil Aviation Authority	<b>United Kingdom</b>
	Mr	Jürgen	<b>Stegmeir</b>	European Defence Agency	<b>EC - EDA</b>
	Mr	Mileta	<b>Nikolic</b>	Civil Aviation Agency	<b>Montenegro</b>
	Mr	Özcan	<b>Başıoğlu</b>	Min. of Transport, Directorate Gen. of Civil Aviation	<b>Turkey</b>
Apologies	Mr	Henrik	<b>Caduff</b>	Office of Economic Affairs	<b>Liechtenstein</b>
	Ms	Aleksandra	<b>Potparević</b>	Civil Aviation Directorate	<b>Serbia</b>
Further Participants	Mr	Franz	<b>Graser</b>	Austrocontrol	<b>Austria</b>
	Mr	Marcel	<b>Kägi</b>	Federal Office of Civil Aviation	<b>Switzerland</b>
	Mr	Vladimir	<b>Nekvasil</b>	Civil Aviation Authority	<b>Czech Republic</b>
	Mr	José Luis	<b>Lozano</b>	Aviation Safety Agency	<b>Spain</b>

## AGENDA

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<b>MoM Distribution:</b>	<b>(Optional)</b>
All participants	

<b>MoM prepared by</b>	Kirsti Reinartz-Krott	<b>8 10 2014</b>	<b>Signature</b>
<b>MoM reviewed by</b>	First name SURNAME	<b>Date</b>	<b>Signature</b>



## 1. Welcome and Introduction

Presented by: Jean- Marc Cluzeau (Chair ad interim)

The Chair introduced himself and welcomed the attendees to the second RAG meeting this year.

## 2. Adoption of the agenda

Presented by: Chair

The Chair went through the agenda item by item and asked for further items to be added to the AOB.

Sweden requested more information on the 'ICAO alignment procedure' , and expressed concerns about rule development coordination.

Finland proposed to discuss 'contracted pilots' and its influence on Safety Culture and Human Factors related aspects of this growing trend in the airlines business models .

**Conclusion: The Agenda was adopted with the above items included under AOB**

## 3. Adoption of the minutes of the previous meeting

### Review of action table

Presented by: Chair

The minutes were reviewed page by page.

Belgium requested clarification for wording at bottom of page 2 under AI 4.:

*'If need be amend existing Articles of the BR..., create **new/separate** Articles dedicated to RPAS:...'*

It was explained that the two options were to: amend existing articles, or to draft specific new Articles for RPAS. Most had been in favour of drafting new articles.

The wording was changed to:

*'If need be, **either** amend existing **a**Articles of the BR..., **or** create **new/~~separate~~ specific ~~a~~Articles** dedicated to RPAS:...'*

Belgium requested additional wording on p. 4 under AI 5.:

- *Most RAG members pointed out that such a MoU or contractual relation would lead to legal, budget, liability, auditing, data protection issues etc. and also questioned the short length of the document as fit for such bilateral **or multilateral** obligations.*

These changes were agreed.

As regards the actions from the RAG 1-2014 meeting:

UK pointed out that an action was missing under AI 08 on p. 7: How would the establishment of a 'Rulemaking Group (or Taskforce) to develop the safety KPIs for the Reference period 3 (ATM Performance scheme)' be followed up?

It was agreed to add this missing action to the list, and to renumber the list accordingly.

**Action 2-1-2014 ( of the previous meeting):** The Commission gave an update on the status of the studies, which were ongoing and for which results were not expected till end of 2014 or beginning 2-15. RAG will get study results at next meeting.

**Conclusion: The minutes were agreed with the proposed changes.**

**Action 1-2-2014: Agency to add missing action in final minutes of RAG 1-2014.**

## 4. Impact of Agency reorganisation on the Agency rulemaking consultative bodies and their work

Presented by: Chair



The Chair gave a presentation on the new Agency organisation, explaining it, asking RAG to explore on consequences as regards relation Agency/ MS/IND/other stakeholders and requesting for ideas to tailor RAG /TAG meetings from the perspective of the reorganisation. He pointed out in particular:

- RAG/plenary SSCC would be dealt with by SM Directorate, Strategy and Programming Dept, whereas TAGs, subcommittees would be dealt with by FS Directorate's operational Depts, as were also the Standardisation meetings.
- The future RAG Chair will be the SM Director, Mr Luc Tytgat
- RAG role could be extended to include discussion of safety priorities/safety promotion (content of European Aviation Safety Plan (EASp), European Strategic Safety Initiative (ESSI)), strategic and policy elements included, so more 'upstream' than before.

Most RAG members welcomed the possible new role of the RAG as regards the safety priority discussion and requested a summary of the information given during the Chair's presentation as well as further details on roles of newly formed Directorates, Depts and Sections of the Agency, to be able to provide feedback and to consider possible changes in their own internal structure. The Agency agreed to provide such a document.

Bulgaria pointed out that the TORs/RoPs of the Advisory bodies would need to be changed, to align with changes in Agency, in particular also to determine the location of the meetings.

Germany inquired on the possible split of the FCL& OPS TAG into two distinct TAGs.

Sweden argued that the RAG/EASA Committee back to back meetings did not give the persons involved enough time to react to papers distributed, and that workload was too heavy for the representative in both bodies.

Italy was worried that the current changes would pose a risk of losing harmonisation (transversally between Regulation Sections and between Standardisation Sections) and the vision on the way ahead.

Ireland stressed the importance of having clear objectives and clear understanding on the activities to be performed using a top-down approach. Switzerland inquired on a focal point from the Safety Intelligence & Performance Dept. for sharing best practises.

Finland welcomed the idea to better use Advisory bodies as regards strategic issues, and emphasised the importance to remind persons involved about the way to do things: risk-based and performance-based approaches.

As regards CIRCABC, Germany prefers Agency e-mailing documents instead of uploading them on CIRCA, and Ireland asked about a bulk download possibility.

The Chair replied that

- amendments to the Advisory bodies, which would be part of the necessary revision of the Rulemaking Process, will need adoption by the MB,
- the current plan was to hold RAG meetings back to back with EASA Committee,
- a possible loss of harmonisation through new reorganisation is mitigated by the new process management oriented working approach which could provide consistency throughout the Agency,
- a contact will be provided to Switzerland,
- the Agency took note and will send the instructions on how to bulk-download documents.

#### **Conclusions: N/A**

#### **Action:**

**2-2-2014:** Agency to provide document explaining role of SM Directorate and further Agency Sections/Depts. relevant to RAG work by 24 October 2014

**3-2-2014:** RAG to provide input on tailoring of RAG-TAG work within perspective of Agency reorganisation by 14 November 2014.

**4-2-2-14:** Agency to provide instructions for bulk download of documents on CIRCA via e-mail as post-meeting document.

## **5. Remote Piloted Aircraft Systems (RPAs) : Further developments**

Presented by: Yves Morier, Head of GA& RPAS Dept.



The presentation was followed by a discussion and the following comments were made:

RAG members welcomed in general the JARUS initiative to coordinate and rationalise flows in the RPAS domain as well as the launching of the NPA. Questions were raised about the following issues:

- time schedule ( Austria),
- involvement of NAA/RAG in JARUS and consideration national efforts to regulate RPAS
- content of NPA (Austria, United Kingdom),
- lower end (toys) and higher end; same regulatory approach? Should existing material be used? (Italy),
- status and scope of JARUS, why refocus? (France, Switzerland),
- clarification of JARUS decision on simplest operations of RPAS (Belgium, Finland, Sweden),
- 150kg boundary to be kept? (France) Sweden and Germany support reduction.
- impact of non-safety issues, social acceptance (Ireland, Netherlands)

Responses by the Agency/Commission:

- Currently 2015 is the goal, with enormous workload, although Commission paper reads 'as from' 2016.
- EASA, as Chair and secretariat of JARUS, will coordinate with NAA and Industry. The idea is not to create an EASA group working separately, but to invest in JARUS to use and adapt results at European level. Agency will report RAG input to JARUS Chairman, discuss with him some sort of formalisation of RAG 'opinion'. In any case, RPAS will remain on the agenda for the next RAG meeting. BE raised a general concern on the principle of the process presented during the meeting, arguing there seems there is no specific formal EASA rulemaking working group to discuss, propose and defend a common European position on the RPAS topic (the management of the airspace for example is different in the EU, ...).
- For the NPA, more details of concept of operation needed for content. A bulk of the work will be done by JARUS
- Classical concept does not allow for the needed flexibility to arrive to a harmonised level of safety. There should be a clear segregation based on the concepts of mass/complexity and type of operations.
- Not only EASA, but also Commission recognises JARUS. 'Refocus' is a strong expression; it will be replaced with 're-orientate'. This explains better that JARUS needs to be more flexible for the concept of operation and not only use 'classical model' in its work.
- Decision 'not to regulate the simplest RPAS operations at all' does not mean that there won't be restrictions/regulations: [BE PROPOSAL NEW TEXT]: it means that the regulations put in place are proportionate. Using the risk based approach it ends up in a light system regulating the operations classified as low risk and a deep and strong analyzing system for operations classified high risk. Enforcement and ensuring application of the law is a responsibility of the NAA at Member State level (responsible for safety of people and goods on the ground) and, of course, police units can help with that.
- Earlier, weight was the key factor, now it's more the complexity of the system and of the operations (risk based approach). Commission has on-going impact assessment on other aspects than just safety (e.g. security and privacy), Italian Presidency supports. Latvian Presidency is planning an event 5-6 March 2015 specifically on RPAS

**Conclusion: N/A**

**Action 5-2-2014:** Agency to include RPAS in the Agenda of next RAG meeting

## **6. Agenda Item - Horizontal issues: Dangerous Goods in GA**

Presented by: Lia Calleja-Barcena

The presentation announced an amendment to **NCO.GEN.140** by means of an agreed text between Dangerous goods and General Aviation authorities experts. Its aim is to provide an alleviation for the GA to



transport dangerous goods needed for the operation of the flight when performing NCO, and the consequential need for Dangerous goods awareness training for GA pilots who would be responsible of the risk assessment. The RAG members were asked to provide input on the alleviation and to provide final opinion on the proposed text. Kindly provide comments to [Lia.CALLEJA-BARCENA@easa.europa.eu](mailto:Lia.CALLEJA-BARCENA@easa.europa.eu). Afterwards, the Agency aims to follow a fast-track process to make the rule change.

Conclusion: N/A

**Action 6-2-2014:** RAG to provide feedback on the alleviation and opinion on the final text on the proposed text of NCO.GEN.140 by 31 October 2014

## **7. Agenda Item – Feedback on Implementation of EASA rules**

Presented by: Chair

No feedback received.

Conclusion: N/A

## **8. Agenda Item Key Rulemaking Accomplishments -Per technical field**

Presented by: Juan Anton, Maintenance & Production Regulations Section Manager

Matthias Borgmeier, Air Crew & Medical Regulations Section Manager

Daniela Defossar, Air Operations Regulations Section Manager

Guy Readman, Head of Environment Dept.

Gernot Kessler, Aerodromes Regulations Section Manager

Peter Corbeel, Regulations & Certification Policy Section Manager

The presentations on highlights in rulemaking from each domain were followed by comments:

**General (Ireland) :** It was expressed that these reports should be distributed before the meeting so that RAG can react to it in a proper way.

Furthermore, it was suggested to keep the bigger picture in mind when presenting the rulemaking activities, and to link them with the programme steps, so that it would be visible what the Agency, with the support of the Advisory bodies, has achieved/is trying to achieve with respect to plans.

These proposals will be considered as such to improve RAG work and will be noted as such.

### **ATM/ANS/ADR:**

Italy: regarding the possible new tasks concerning 'obstacles outside of ADR', how far can MS regulate?

Agency replied: The TAG looks for solutions to assist MS, via the assessment paper it looks at what can be done to be in line with ICAO. Obstacles are not limited to airports, risks in particular for GA.

### **Aircrew & Medical:**

Two corrections made in the slides to be distributed.

### **Initial Airworthiness:**

The UK noted that there was substantial pressure to act from its side as regards helicopter offshore safety and willingness to cooperate.

**Conclusion: N/A**

**Action 7-2-2014:** Agency to add comments made by United Kingdom and Ireland to list of improvements to RAG work, comments due latest 14 November 2014.

**Action 8-2-2014:** Agency to distribute presentation on progress of activities and key rulemaking accomplishments well before the meeting.





## 9. A.O.B

Presented by: Alfonso Arroyo ( DG MOVE); Ralf Erckmann, Athanassios Tziolas, Belgian RAG member, Swedish RAG member, Spanish RAG member, Finnish RAG member, Chair, Filip Cornelis (DG MOVE)

**Legislative Planning:** The Commission presented the legislation which had lately been adopted by the EASA committee and was waiting to be adopted by the Legislator and published.

The RAG suggested that this item could be sent as a written contribution to the RAG members for information. This was agreed.

**A – NPA 2014-12:** The RAG members inquired after the presentation whether:

- other ongoing initiatives (e.g. RPAS, GA Roadmap) would be taken into consideration in the final Commission proposal,
- COM consultations/surveys had revealed any surprises and the info would be made available to the Agency,

The Agency noted that the ultimate goal of the exercise was to have all parallel processes fit in. The options were either to have the revision of the Basic Regulation (BR) in two steps, or one package. It was pointed out that not all subjects treated in A- NPA would lead to changes of the BR.

The Commission added that consultation had so far not revealed any surprises, and that there were two ongoing studies, on EASA resources and on the Performance Based approach (looking however at other sectors), which could support the revision. EASA staff was also involved in these studies and had access to interim reports.

In addition it was mentioned that currently an amendment to 216/2008 was with the Legislator, but that this amendment was minor, dealing with Single European Sky and EASA governance issues.

**GA Roadmap:** The presentation given mentioned a.o. the GA focal points in the Agency.

**Status report on Cross Domain Safety Management Assessment tool (informal rulemaking group):** The Belgian RAG Member delivered the relevant presentation.

The Agency commented that naming the group created for this exercise as “Rulemaking Group” would imply this project to fall under the formal rulemaking procedure: it would be preferable to talk about a ‘working group’. The aim here was to have the group produce a deliverable, which should not be an NPA, and to submit it to RAG for determining which elements of the proposal could be considered included in an NPA, or if a rule was necessary at all. The Agency recommended therefore that the ToR of the Group be changed to reflect this.

The RAG members agreed that the pace should be quicker and welcomed any opportunity to go faster, while reporting to RAG and having the product endorsed. Germany announced it would also have someone participate in the group (currently composed of FR, SE, UK, NL, AU, FI)

**Status Report on Use of advanced IT technologies for approvals and licenses to prevent fraud:** The Swedish presentation received much support and UK proposed some support with resources but also inquired if a repository would be set up. France asked the statistics on the number of fraud cases in Europe and to launch a feasibility study before endorsing. Germany also highlighted the impact of this project if a new FCL regulation that had just come out needed to be changed again. Spain mentioned a fraud prevention tool that its authorities use for verifying certifications of Airworthiness or for Air Operators (AOC). Finland presented the issue of contract pilots whose licenses were recognised in all MS, but where safety issues may rise due to the short employment periods and requested an estimate of the problems e.g. at SANA inspections.

The Agency replied that the cases were difficult to quantify, but that cases were definitely being reported by a number of MS. The SANA inspections most probably could not uncover cases of fraud. It would be useful to wait for the outcome of the NPA for the central repository and continue from there.

As a next step, Sweden proposed a Workshop in March/April, to which United Kingdom, Austria and EASA





wanted to participate, more welcome.

**Update on the paper provided by the ES RAG member related to Collaborative oversight:** The Spanish RAG members reported that currently there was no progress as no further comments had been made. It was suggested to have Belgium, Netherlands and United Kingdom report on their cooperative aviation group project, sharing their experience, lessons learnt.

The aim finally could be to draft some sort of guidelines, best practises or a minimum number of issues to be addressed for such collaboration.

**ICAO alignment:** The Commission explained that in its paper there two topics treated: 1. how to be effective upstream for a European voice at ICAO (representatives, coordination of Expert groups), 2. How to be more efficient downstream at following up ICAO standards (e.g. pilot upset and recovery training: were brought in to EU rules without full cycle at EASA). Not much work done over the summer. Now there are new interfaces at EASA, so work needs to be started again.

**Contract pilots:** Finland pointed out the issue of the short-term contracting pilots and inquired if a study could be launched on how common this situation was and its effects on safety, resources, just culture. The Commission answered that there was already a study going on to map working relations, although this was not really touching safety aspects.

The Agency stated that this was related to the development of new business models by airlines, and that use of short-term pilots was not the only aspect impacting safety. Oversight of NAAs would need to be adapted to these new models. Italy expressed concerns that this was a wider issue, not only safety, but fair competition/ social aspects . A proactive attitude should be adopted instead of waiting for something to happen.

The Agency suggested to include in EASp an item on impact of new business models, and to ask those MS who have begun adapting their oversight to these models to share their experience. Commission proposed that an inventory of all related issues was to be made, and that the scope was to be kept general, not limited to specific cases. This was agreed.

Commission also pointed out that work was ongoing in the form of two studies, for which the links were distributed after meeting:

-Suitability of economic regulation of the European air transport market (starting at p.99):

[http://ec.europa.eu/transport/modes/air/internal\\_market/doc/fitness\\_check\\_internal\\_aviation\\_market\\_en\\_commission\\_staff\\_working\\_document.pdf](http://ec.europa.eu/transport/modes/air/internal_market/doc/fitness_check_internal_aviation_market_en_commission_staff_working_document.pdf)

-Study on the effects of the implementation of the EU aviation common market on employment and working conditions in the Air Transport Sector over the period 1997/2010

[http://ec.europa.eu/transport/modes/air/studies/doc/internal\\_market/employment\\_project\\_final\\_report\\_f\\_or\\_publication.pdf](http://ec.europa.eu/transport/modes/air/studies/doc/internal_market/employment_project_final_report_f_or_publication.pdf)

“Denmark shared the comments made by Finland and mentioned the need for study to be made on the possible impact new business models, contracted pilots etc. could have on aviation safety.

Reference was made to a national working group report on related issues in this respect which could be shared with EASA.”

Bulgaria gave the example of wet leased aircraft: there’s no control on the flight time limitations.

#### **Future meetings:**

Next EASA committee meetings, for which the RAG could meet back to back, are taking place on 22-23 April and 14-15 October 2015.

A few members asked for advancement/postponement by a week. It was not clear if the RAG meeting should take place on the day before, or on the day following the EASA committee.

These dates were left to be confirmed.

Several RAG members expressed concerns on the back to back planning, as they felt it left too little time for preparation of either meeting. The Commission stated that the idea behind the back to back was to increase



coherence, avoid overlap of discussion items, highlighted the upstream capacity of the RAG, whereas the EASA committee was active downstream to wrap up the work.

Conclusion: N/A

**Action 9-2-2014:** Agency/Commission to distribute the Legislative Planning as an Information Paper before the meeting. No need to have it as an agenda item.

**Action 10-2-2014:** Belgium, Netherlands and United Kingdom to report to the RAG on their cooperative exercise.

**Action 11-2-2014:** Agency to include new business models as an emerging issue in EASp.

**Action 12-2-2014:** Denmark to share a national report of a working group on the subject.

## 10. Closing

*Presented by:*

The Chair thanked everyone for attending.

The meeting closed at 17:40 hrs on 7/10/2014.

List of actions: (Optional)				
Item	Action (What)	Person Responsible (Who)	Deadline (When)	Status (Optional)
4-1-2014	launch Rulemaking group (or Taskforce) to develop the safety KPIs for the Reference period 3 (ATM Performance scheme)	Agency	To be determined	Closed. There is an on-going EASA activity to define SKPIs, which however may not (at least yet) have been linked directly to the ATM performance scheme. For the next RAG meeting the focal points in SM/FS will prepare a written answer.
1-2-2014	add missing action in final minutes of RAG 1-2014.	Agency	Distribution of final minutes	Closed. Uploaded on CIRCABC on 10 October 2014.
2-2-2014	provide document explaining role of SM Directorate and further Agency Sections/Depts. relevant to RAG work	Agency	By 27 October 2014	Closed. Doc uploaded on CIRCABC on 1 Dec. 2014.
3-2-2014	provide input on tailoring of RAG-TAG work within perspective of Agency reorganisation by 14	RAG	by 14 November 2014	Closed, deadline 18 11. Comments



	November 2014			received from AT, NL, CH, DE, SE, FI, UK
4-2-2014	provide instructions for bulk download of documents on CIRCA via e-mail as post-meeting document.	Agency	After the RAG 2-2014 meeting	Done, e-mail sent 15 October 2014
5-2-2014	include RPAS in the Agenda of next RAG meeting	Agency	Next meeting	Closed, will be discussed at EASA cmtee instead.
6-2-2014	provide feedback on the alleviation and opinion on the final text on the proposed text of NCO.GEN.140	RAG	By 31 October 2014	Closed, feedback received from UK, CZ, RO. On agenda of next meeting (under AOB)
7-2-2014	add comments made by United Kingdom and Ireland to list of improvements to RAG work	Agency	By 14 November	Closed, added.
8-2-2014	distribute presentation on progress of activities and key rulemaking accomplishments well before the meeting	Agency	Before the next meeting	Closed. Distributed on 20 March 2015
9-2-2014	to distribute the Legislative Planning as an Information Paper before the meeting. No need to have it as an agenda item.	Agency/Commission	Before the next meeting	Closed. Legislative Planning sent on 17/04/2015
10-2-2014	report to the RAG on their cooperative exercise.	Belgium, Netherlands and United Kingdom	At the next meeting	Requested UK CAA to provide report following oral feedback at 1-2015 meeting
11-2-2014	include new business models as an emerging in EASp.	Agency	Next EASp amendment	Closed. On Agenda of next meeting.
12-2-2014	share a national report of a working group on the subject	Denmark	For next RAG meeting	Closed. DK paper uploaded on CIRCABC.

**Next meeting:**

The next meeting is arranged for the 21 April.

