



European Aviation Safety Agency

4-year Rulemaking Programme 2014-2017

Executive Summary: The 4-year Rulemaking Programme 2014-2017 (hereafter the Programme) is an annex to the Agency Work Programme 2014 and provides the expected production of rules for the period 2014-2017. The programme has in total 201 rulemaking projects and takes into account inputs from different policies, processes and initiatives:

- EASp and related initiatives (e.g. the European Action Plan for the Prevention of Runway Excursions (EAPRE));
- Safety Recommendations;
- Feedback from Certification, Standardisation and Implementation, including rules enabling the latest technological developments;
- Legal obligations, including the need to harmonise EASA and SES frameworks;
- Latest policy developments and related requests from the EC;
- Discussions on 'proportionality' and the European General Aviation Safety Strategy;
- On-going research and development programmes (e.g. anticipated SESAR deployment planning); ICAO work and the regulatory coordination with key third country partners ensuring level playing field and harmonisation at global scale.

The Programme has been shared with the advisory bodies in order to gather additional inputs on the whole spectrum of the civil aviation activities and the relative priorities for the next years.

The feedback collected has been analysed and a priority setting for an effective implementation of the rulemaking activities is now reflected in the final Programme.



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1. Introduction

The 4-year Rulemaking Programme 2014-2017 (hereafter the Programme) is an annex to the Agency Work Programme 2014 and contains the planning of the rule production activity in the year 2014 and a plan ahead for the years 2015-2017. It is built on the principle that the rulemaking projects planned for finalisation in 2014 constitute the Agency commitment whilst the planning for the following years (2015-2017) is indicative and is subject to annual review taking into account changing priorities, emerging urgent issues, progress of on-going projects, and resources available.

Concerning resources, the rulemaking projects milestones (begin and end dates) take into account the budgetary and staff planning information set in the adopted Agency's budgetary and staff planning documents for the related period (i.e. the draft Work Programme 2014, Business Plan 2013-2016, draft Business Plan 2014-2018, Management Staff Policy Plan 2014-2016).

2. Drivers of the Rulemaking Programme

The basis for the development of the Programme are the following drivers:

Safety risks identified through the feedback loops and including

- The European Aviation Safety plan (EASp) 2013-2016, including the European Action Plan for the Prevention of Runway Excursions (EAPRE)
- Safety recommendations stemming from incident and accident reports
- Safety related feedback from implementation, certification and standardisation activities
- Safety related inputs and proposals from the advisory bodies, Member States, Industry or individuals

Level playing field, proportionality and economic issues identified through

- Related feedback from implementation, certification and standardisation
- Related inputs and proposals provided by advisory bodies, Member States, Industry or individuals
- Technological development including new certification projects and emerging concepts
- The European General Aviation Safety Strategy

Environmental issues

Legal obligations and regulatory co-ordination activities coming from

- Legal obligations stemming from the BR and other applicable regulations
- ICAO activities and related deliverables, including the ICAO Work Programme 2013
- The ATM Regulatory Roadmap 2013-2017 (by the Commission)
- The political agenda of the Commission and European Parliament
- Rulemaking proposals stemming from deliberations of the EASA/SES Committee
- Cooperation and harmonization activities with FAA and TCCA
- Commitments taken for the rulemaking programme 2013-2016 or earlier programmes



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SESAR deployment

- Anticipated regulatory actions stemming from the implementation of the ATM Master Plan

3. Highlights

This chapter presents the highlights on the programming period 2014-2017.

In the domain of **product safety**, the reorganization 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. Further work is needed to complement specific Annexes (ATM/ANS services) of the rule. 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 European ATM Regulatory Roadmap¹ and the regulatory needs stemming from SESAR deployment. Further priority setting of the implementation of SESAR related common projects will follow from the SESAR deployment

¹ 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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governance which the Agency will be part of. Implementation of SESAR related projects may 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 I**.

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 BR 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 the work for the implementation of CAEP/10.

The Agency took 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.

The table below highlights some of the main projects (categorised by driver) on which the Agency will be working in the next years.

RMT No. Project title or Related subject	R2 Envir. Prot. R3 Flight Standards R4 Prod.Safety R5 ATM/Airports	Starting date	End date	Pre-RIA score
Safety				
RMT.0411 CRM Training	FS	2012	2015	A 11
RMT.0190 & 0191 Requirements for relief pilots	FS	2012	2016	Pre-RIA old format (i.e. no score)
RMT.0469 & 0470 Requirements for Safety assessment of changes to functional systems	ATM/ADR	2012	2016	Priority and timing set by the EC
RMT.0581 & 0582 Loss of control prevention and recovery training	FS	2013	2016	A 22
RMT.0217 & 0546 CAMO and Part-145 responsibilities	PS	2013	2018	A 16
RMT.0458 Oxygen Fire Hazard in Gaseous Oxygen Systems	PS	2014	2016	A 10
RMT.0376 Carriage of ACAS II equipment on aircraft other than aeroplanes in excess of 5700kg or 19 Pax	ATM/ADR	2014	2016	A 15
RMT.0194 & 0195 CBT - Competency-Based Training	FS	2014	2018	B 18



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RMT No. Project title or Related subject	R2 Envir. Prot. R3 Flight Standards R4 Prod.Safety R5 ATM/Airports	Starting date	End date	Pre-RIA score
RMT.0296 & 0297 CAT aeroplane performance	FS	2014	2018	Pre-RIA old format (i.e. no score)
RMT.0116 Real weight and balance of an aircraft	PS	2015	2017	A 10
RMT.0118 Analysis of on-ground wings contamination effect on Take-off performance degradation	PS	2015	2017	A 10
RMT.0586 Tyre pressure monitoring system	PS	2015	2018	A 16
RMT.0454 Windshield Bird Strike Protection	PS	2015	2018	A 11
RMT.0077 Activation of ice protection	PS	2015	2018	B 8
Economic, level playing field and proportionality				
RMT.0276 & 0539 Technical records	PS	2011	2015	B 7
RMT.0256 & 0257 Revision of operational approval criteria for performance-based navigation	FS	2012	2016	B 12
RMT.0278 & 0536 Importing of aircraft from other regulatory system and Part.21 sub-part H review	PS	2012	2018	B 9
RMT.0252 Instructions for continuing airworthiness (ICA)	PS	2013	2016	Pre-RIA old format (i.e. no score)
RMT.0519 & 0520 Provision of requirements in support of global PBN operations	ATM/ADR	2013	2016	B 12
RMT.0379 & 0380 All Weather Operations	FS	2014	2018	B 21
Legal obligations and regulatory co-ordination				
RMT.0251, 0549, 0550 & 0612 Safety Management System	PS	2011	2016	B 12
RMT.0485 & 0465 Requirements for Apron Management Services at aerodrome	ATM/ADR	2012	2015	BR task, no pre-RIA required
RMT.0521 & 0522 Review of airworthiness review process	PS	2013	2016	B 12
RMT.0607 AMC/GM to Part-21 for OSD	PS	2013	2016	Pre-RIA old format (i.e. no score)
RMT.0161 & 0162 ATM/ANS systems and constituents and ADR equipment	ATM/ADR	2013	2016	BR task, no pre-RIA required
RMT.0609 & 0610 Requirements for ANS (former SERA part C)	ATM/ADR	2013	2015	BR task, no pre-RIA required
RMT.0196 & 0197 Flight Simulation Training Devices (FSTDs)	FS	2014	2017	B 18



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RMT No. Project title or Related subject	R2 Envir. Prot. R3 Flight Standards R4 Prod.Safety R5 ATM/Airports	Starting date	End date	Pre-RIA score
RMT.0573 & 0574 Fuel planning and management	FS	2014	2018	B 11
RMT.0497, 0429, 0493, 0346, 0492, 0430, 0494, 0431, 0495, 0432, 0496 & 0434 FTL requirements for CAT operations of helicopters and for commercial operations other than CAT	FS	2014	2018	No pre-RIA
RMT.0514 Implementation of CAEP/10 amendments	EP	2016	2019	Pre-RIA under drafting

4. Content and format overview

The projects of the Programme are indicated per domain and include rulemaking tasks leading to:

- **Opinions** of the Agency on amendments of the Basic Regulation and its Implementing Rules; and
- **Decisions** of the Agency on Certifications Specifications, including Airworthiness Codes and Acceptable Means of Compliance, as well as Guidance Material, recommending to be used to ensure compliance with the Basic Regulation and its Implementing Rules.

The Programme (in **Excel**) is organised following **the project management approach**. Therefore the following information are provided **per project** (see Figure 1) and identified by letter to facilitate review:

- Affected EASA rules (A)
- Driver (B)
- Rulemaking Task Number (C)
- Project title or related subject (D)
- Description (E)
- Discipline (and related Department²) (F)
- Work method (Agency³ or Group) (G)
- Deliverable (task leading to: Opinion or Decision) (H)
- Start date (year) (I)
- End date (year) (J)

² Environmental Protection, Flight Standards, Product Safety, ATM/Airports

³ When the working method is 'Agency', it is specified if the working approach includes cooperation with FAA or outsourcing to Industry or NAAs.



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- Changes from RMP 2013-2016 to RMP 2014-2017 (including consultation⁴) (K)
- Pre-RIA score (L)

Figure 1

Affected EASA rules (A)	Other (B)	Rulemaking Task Number (C)	Title or related subject (D)	Description (E)	Discipline (and related Department) (F)	Work method (Agency or Group) (G)	Deliverable (as a leading to Opinion or Decision) (H)	Start date (Year)	End date (Year)	Changes from RMP 2013-2016 to RMP 2014-2017 (K)	Pre-RIA score (L)
Part-21	Level playing field	RMT.0017 (21.022)	21A.163 POA privileges	Proposals to: - Extend the maintenance privilege (21A.163(b)) to other products and parts and in time; and - make Conditions for issuance of CoA for new aircraft (21A.163(b)(1)) consistent with the POA privilege, will be reviewed and may lead to amendments of Part 21 and/or to AMC/GM.	PS	Agency	Opinion	2016	2018		
Part-21	Level playing field	RMT.0012 (21.010)	21A.38 Airworthiness Directives (AD's)	This paragraph will be reviewed in the light of discussions with NAAs and industry and to better align with the distribution of responsibilities as stipulated in the in the Basic Regulation also taking into account the amendment of the Basic Regulation.	PS	Agency	Opinion	2012	2016	Ending date moved from 2015 to 2016	
Part-21 AMC/GM	Level playing field	RMT.0567 (21.010)		This paragraph will be reviewed in the light of discussions with NAAs and industry and to better align with the distribution of responsibilities as stipulated in the in the Basic Regulation also taking into account the amendment of the Basic Regulation.	PS	Agency	Decision	2012	2017	End date changed from 2016 to 2017	

The projects are presented per technical subject and in alphabetical order. Each subject is composed of one to several rulemaking tasks.

The Programme (in Excel) includes:

- a **Worksheet with the complete Programme;**
- **and additional worksheets per each department (R.2 Environmental Protection, R.3 Flight Standards, R.4 Product Safety, R.5 ATM/Airports).**

Finally, **Annex I** presents candidate regulatory activities foreseen to support the European ATM Master Plan and the regulatory needs stemming from SESAR deployment. The projects listed in Annex I are subject to further regulatory impact analysis.

5. Risks and issues

- The timing and priority of some projects, especially in the new domains on ATM and Aerodromes, are given by the legal obligations and therefore no pre-RIA has been developed for those projects. In addition to the legal obligations, the Agency had included in previous programmes projects which have started without a pre-RIA (due to limited resources or because of urgency of the issue) or had a pre-RIA in the old format (i.e. without a pre-RIA score). The Programme reflects this heterogeneity.
- Concerning the implementation of the Programme, it may be impacted by legal and political priorities not known at this stage (e.g. the on-going simplification, clarification and modernisation of the SES legislation and the alignment of SES and EASA frameworks; increasing activity related to Art.14; BASA; AltMoC; the General Aviation roadmap). The European Parliament elections and the start of the new Council of Commissioners planned for the second half of 2014 may impact the political priorities and subsequently the projects stemming from legal obligations. Furthermore, the changes in the Commission may delay the

⁴ This column includes the changes done to the adopted 4-year Rulemaking Programme 2013-2016 for addressing: a) the comments provided by the advisory bodies between February and June 2013; and b) any internal consideration for an effective implementation of the Programme (e.g. updating on resources available).



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processing of the EASA Opinions with a consequent impact on the publication of related CS, AMC and GM.

- C. The regulatory needs stemming from SESAR deployment are not defined yet. This affects all domains and represents a risk in relation to the implementation of the programme. SESAR regulatory roadmap may not take fully into account the agency regulatory processes, nor the developments stemming from the Commission SES 2+ initiative. Furthermore, the Commission Regulation on common projects supporting the implementation of the European ATM Master Plan is very recently adopted and the related deployment governance mechanisms have not yet been established.
- D. As usual, in the domain of product safety the demands for rulemaking are higher than what can reasonably be processed with the available resources. This means that rulemaking tasks have to be prioritised using as the main criterion the expected impact on safety. As a result, some proposals which have no or only a low impact on safety, can get a lower priority and are progressed later than expected. One of the solutions to this problem that is being explored in this version of the Programme is the creation of recurring 'regular update' tasks. These allow a relative fast update of CSs to incorporate new technologies. Whether this concept will be successful is not yet certain.