



**European Aviation Safety Agency**

**SUMMARY of CONCLUSIONS**

**Subject** Rulemaking Advisory Group meeting 2-2013

**Date** 13 November 2013

**Location** Youth hostel Cologne-Deutz

Organised by Rulemaking

## 1. Welcome

*Presented by: Jules Kneepkens, EASA Rulemaking Director and Chair of the group*

The Chair welcomed the attendees to the second 2013 RAG meeting.

## 2. Adoption of the agenda

*Presented by: Jules Kneepkens*

The Chair outlined the main items to be discussed during today meeting.

The Chair asked if further items were proposed under AOB.

It was asked to put the following items:

1. regulation for leased aircraft
2. to give some highlights as outcome of the request from the Management Board to revise the rulemaking programme.

The Chair answered directly to the second request:

In Sept 2013 EASA ED requested to come with a proposal on the review of Rulemaking Strategy. Discussion will continue in December 2013 inviting some representative from Industry.

**Conclusion:** The Agenda was adopted by the Group with the proposed addition on AOB ("regulation for leased aircraft").

## 3. Adoption of the minutes of previous meeting

### Review of action table

*Presented by: Jules Kneepkens and Athanassios Tziolas*

The Chair requested agreement of the minutes of last meeting.

It was requested to change the sentence "Chair counted the number of members in favour of implementation: 7, as compared to 3 against, for the rest no opinion" with "majority of members states are in favour to this change"

The action table was presented. All action items from previous meetings were closed as reported in the final minutes.

**Conclusion:** The Group adopted the minutes of the RAG meeting 1-2013 with the proposed change.

## 4. Regulatory Challenge 2013-2023 survey results

*Presented by: Gennaro Mozzillo (presentation)/ Jules Kneepkens (conclusions)*

The presentation outlined the statistics of the Survey, the relevant conclusions and next steps.

A clarification was given by the Chair on the concept of Rulemaking System: it represents the Rulemaking Programme.

The Review of the Rulemaking Programme 2014-2017 currently under finalization was driven by the "less but better regulation" principle.

EU Commission Representative pointed out that the Commission is expecting more precision and consistency in the discussions that take place at the different stages of the Rulemaking Process.

In addition the Chair communicated that the intention of EASA ED is to streamline all the discussions on the Regulation strategy under a single umbrella thus harmonizing the discussion themselves and the relevant outcomes. A working group of MB representatives, chaired by the ED, has been established with the aim to present the results of their work in summer 2014.

Additional heads-ups from some participants:

1. "Resources" is not a challenge, but rather a constraint that shall be carefully taken into account in the near future much more than in the past.
2. Subsidiarity should be addressed
3. Attention should be paid to the effects/impacts that the short term changes will have.
4. Attention should be paid to challenges presented by the changing industrial structures and operators' business models.
5. Priority should be given to Performance Based Regulation and to the review of regulations.
6. Priority should be given to the harmonization between EASA processes/deliverables with FAA/TCCA respective processes/deliverables.
7. To consider the changes to the Basic Regulation first and then the changes to the Rules.

It was requested to have the possibility for the Group to comment the revision of the Rulemaking Programme; regretfully there is no time for an additional consultation: the adoption of the revision of the Rulemaking Programme 2014-2017 Rev 1 is forecasted by December 2013.

**Conclusion:** The Group in general agreed on the outcome of the survey and supported the actions taken by the Agency after the analysis of the results of the survey and the relevant prioritization. Furthermore the Group gave some comments on some additional action items to be undertaken.

**Action 1-2-2013:** EASA to take into account the feedback from advisory bodies in the production of the final summary paper.

## 5. Total System Approach in Rulemaking

*Presented by: Eric Sivel (introduction)/Bryan Jolly (presentation)*

Eric Sivel stressed that without a Total System Approach it is very difficult to perform changes to the aviation system, while the impacts are seldom limited to just one aviation domain. Same goes with safety risk mitigation for which the most effective mitigation means may require balancing between different aspects (such as equipment, procedures, pilot training, etc.).

Bryan Jolly delivered the presentation taking as example the Performance Based Navigation concept. He highlighted that this approach is extendable to all the fields of rulemaking and to different concepts. His presentation showed that introducing the PBN concept would necessitate addressing various aviation domains; e.g. airspace design, instrument flight procedures, aircraft equipage, pilot training and ATS procedures.

He put three questions to the Group:

1. Is the presented approach what you intend as a Total System Approach?
2. Is the Agency, in your understanding, on the right way to a correct implementation of a Total System Approach?
3. How would you apply a Total System Approach in your State?

It was pointed out by a Group member that the Total System Approach should take into consideration all possible factors that have an impact on a Rule (i.e. also such issues as environment) with full involvement of all impacted Stakeholders and taking always into consideration a Risk Based Approach. Several Group members supported this as a starting point but also wondered about the notion of a total impact in order to cover some unknown or not well known areas.

**Conclusions:** The need for Total System Approach is well recognized and supported by the Group and a general proactive attitude was registered. Further examples and explanation by the Agency would facilitate better understanding and implementation of this approach.

**Action 2-2-2013:** EASA to provide more examples of projects applying the Total System

Approach.

## 6. Performance Based Regulations

*Presented by: Willem Franken*

Willem Franken delivered the presentation outlining the main principles encompassed by the Performance Based Regulation and made an analysis of the full spectrum of combinations of Prescriptive rules and Performance Based rules.

The Group was in general supporting this approach and many Representatives highlighted that there is a continuously raising attention to this topic in their respective countries.

It was pointed out that only a balanced blend of prescriptive based and performance based regulations the two would represent the key factor of success.

Some concerns were raised with respect to the training of the regulators and the interference with the current legal system. It was highlighted that these concerns are legitimate and that in this frame the legacy with the status quo and the improvement of the competences in this respect should be part of the change management process.

Some additional concerns were addressed in respect to the applicability of this approach in short term (in particular taking into account the current shortage of resources).

It was requested as well to involve the National Experts in the WG.

**Conclusions:** The Group is fully supporting the proposed review of Performance Based Regulation and its implementation in EASA regulations.

## 7. Horizontal issues

*Presented by: UK RAG member*

The results of the paper developed at International Cooperation level were outlined. This work was a quite extensive and long lasting activity that underpinned among others some topics already addressed during today discussions and hereafter summarized:

- Less but better rules
- Cross domains (i.e. Total System Approach)
- Performance Based Regulations (e.g. ICAO SMS)
- International Cooperation with FAA and TCCA

The presented paper was fully supported by the Group that asked to be involved since the very beginning of the Concept Paper.

Some Representatives of RAG highlighted that some relevant activities already started at national level.

It was stressed the point that time is of essence in order to be ready by 2017 and have a couple of years of monitoring and control before evaluation.

It was requested to emphasize in this case the role of the GM Vs. AMC.

Concerning a proposal by the UKCAA, CANSO and Eurocontrol to develop a rulemaking task to produce a cross-domain safety assessment tool for RP3 including safety key performance indicators such as Just Culture and EoSM, the Commission Representative set forth that this proposal will not be accepted by the Commission. The Commission stated that from RP3 the current KPI in the areas of safety that measure processes such as EoSM and Just Culture will be removed from the performance scheme and replaced by safety metrics on incidents/accidents occurrences.

On the other hand, EASA highlighted that in fact there are examples that instead drive towards the urgency of implementing the approach (e.g. management system of SMS needs the tool to perform oversight to third parties) and UK emphasised that this was wider than just RP3.

**Conclusion:** the proposed topic was well supported by the Group and deserves to be treated

again in the future. Jules Kneepkens was asked to facilitate discussions with the UK CAA and the Commission in order to re-launch the action and to present a proposal.

**Action 3-2-2013:** UK CAA and EASA to report back at the next meeting

## **8. Interaction between RAG and EASA/SSC committees**

*Presented by: Alfonso Arroyo*

EU Commission Representative pointed out that the process of the consolidation of a proposal to the EU Commission should be more streamlined and harmonized:

- streamlining: at TAG level the items should be discussed and developed at a level of technical detail sufficient to allow the RAG to represent the formal positions of the Member States on the rulemaking issues in question.
- harmonization: a new back to back scheme will be implemented while running the decision making process; EASA Committee and RAG meeting will take place in a row and during a 3 day session. The Commission highly recommended that the members of the RAG should, as far as possible, be the same as the members of the EASA Committee to help ensure the consistency and the harmonization of the positions in the different meetings.

The Group in general supported the new approach recognizing the need of consistency and of harmonization, meanwhile highlighting some hidden risks of this approach (such as the high likelihood that in few years the Group and Committee would be merged) and that in most cases the agendas of the two meeting are different. . Further due to the difference in timing when dealing with a certain subject the opinion within member states may evolve.

**Conclusion:** Next RAG meeting will take place in accordance with the new approach in Brussels.

**Action 4-2-2013:** EASA make arrangements for RAG back-to-back to meeting with EASA committee in Brussels in line with paper principles.

## **9. Feedback on implementation of EASA rules:**

- Adjustment and simplification of rules - *Presented by: UK RAG member*
- Ex-Post evaluation – *Presented by: Kai Bauer*

UK member presented the paper with suggestions for standardization (adjustment and simplification of rules).

The Group and EU Commission supported the proposal.

Kai Bauer delivered the presentation on ex-post evaluation of rules.

The criteria and the sources were discussed.

**Conclusion:** The RAG members support the approach presented by the Agency. Written comments may be submitted until 20 December.

**Action 5-2-2013:** RAG submit feedback on the ex-post evaluation policy by end December 2013.

## **10. Highlights on Rulemaking activities**

*Presented by: Eric Sivel, Daniela Defossar, Jussi Myllarniemi*

Presentations were delivered by the different Rulemaking Departments focusing on main achievement of the Rulemaking Directorate in the different areas and on the work-in-progress.

**Conclusion:N/A**

## 11. AOB

- Monitoring of cabin air quality on board large airplanes - *Presented by: Xavier Vergez*
  - Briefing on General Aviation Roadmap – *Presented by: Athanassios Tziolas*
  - FTL Follow up – *Presented by: Eric Sivel*
  - National jurisprudence related to the Basic Regulation - *Presented by: Athanassios Tziolas*
  - Conflict of Interest Form – Update– *Presented by: Jules Kneepkens*
  - Regulation for leased aircraft – Proposed by Bulgaria RAG Member
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- Monitoring of cabin air quality on board large airplanes

Recent studies on the subject were conducted and the outcome is that there are no elements that could trigger new regulatory activities. Nevertheless some Stakeholders are still addressing some concerns..

The Agency made a proposal for a research project to be funded under Horizon 2020 (sent to the EC).

Some members of the Group enforced the fact that these concerns are continuously raised and consequently studies are being conducted at national level as well.
  - Briefing on General Aviation Roadmap

Summary of the status of activities was given. The plan and the activities currently being carried encountered full support from many Group members, while some others asked more involvement of NAA and the clear definition of the General Aviation group.
  - FTL Follow up

EASA delivered a press release setting forth that use of PED is now permitted on board the a/c in any phase of the flight. The use of mobile phones is instead still subject to further analysis (interference with a/c systems shall be further investigated).
  - National jurisprudence related to the Basic Regulation

An update was given on behalf of EASA Legal Dept.; in particular the need of taking elements from the national courts cases was addressed.
  - Conflict of Interest Form – Update

The form will be reviewed by the end of the year. For the time being it's out of the process of the management of the Rulemaking Groups
  - Regulation for leased aircraft

The issue was addressed during the meeting. The Chair proposed to address the issue directly at technical level in order to get a more appropriate and comprehensive answer.

## 12. Closing

*Presented by: the Chair*

The Chair thanked everyone for attending.  
The meeting closed at 16:20h

<b>List of actions:</b> <span style="float: right;"><b>(Optional)</b></span>				
<b>Item</b>	<b>Action (What)</b>	<b>Person Responsible (Who)</b>	<b>Deadline (When)</b>	<b>Status (Optional)</b>
<b>Action 1-2-2013</b>	Take into account the feedback from the advisory bodies in the production of the final summary paper on the regulatory challenges survey results.	Agency	Jan 2014	Closed. Final paper drafted by eASA on 31 01 2014. Published on CIRCABC and RAG/SSCC website
<b>Action 2-2-2013</b>	Provide more examples of projects applying the Total System Approach.	Agency	Next meeting	Closed. The following examples of projects of cross-disciplinary nature exist: <ul style="list-style-type: none"> <li>- PBN,</li> <li>- Runway safety</li> <li>- EVS</li> <li>- OSD</li> <li>- Volcano ash</li> <li>- Maintenance check flights,</li> <li>- RPAS</li> </ul>
<b>Action 3-2-2013</b>	Cross domain Safety management Assessment tool - report back at the next meeting	UK CAA, EASA	Next meeting	Closed. On agenda of next meeting (AI 07)
<b>Action 4-2-2013</b>	Make arrangements for RAG back-to-back to meeting with EASA committee in Brussels in line with paper principles	Agency/EC	In time to enable next meeting in Brussels	Closed. Procurement/COM has details on locations/logistics for both meetings
<b>5-2-2013</b>	Submit feedback on the ex-post evaluation policy	RAG	20 December 2013	Closed. We have received supportive comments

<b>Next meeting:</b>
The next meeting is arranged for <b>6 May 2014</b> in Brussels, preceding the EASA committee meeting on 7-8 May 2013.

#### List of Participants

Attendees	Members:				
	Mr	Thomas	<b>Kacsich</b>	Ministry of Transport	<b>Austria</b>
	Mr	Didier	<b>Ledur</b>	Civil Aviation Authority	<b>Belgium</b>
	Ms	Eleonora	<b>Dobрева</b>	DG Civil Aviation Administration	<b>Bulgaria</b>
	Mr	Alfonso	<b>Arroyo</b>	Directorate General for Mobility and Transport, European Commission	<b>EC - DG MOVE</b>
	Mr	Vladimir	<b>Nekvasil</b>	Civil Aviation Authority	<b>Czech Republic</b>

	Ms	Susanna	<b>Metsälampi</b>	Transport Safety Agency	<b>Finland</b>
	Mr	Georges	<b>Thirion</b>	Direction Générale de l'Aviation Civile	<b>France</b>
	Mr	Sotirakis	<b>Stamou</b>	Civil Aviation Authority	<b>Greece</b>
	Dr	Erika	<b>Varga</b>	National Transport Authority - Aviation Authority	<b>Hungary</b>
	Ms	Jóhanna Helga	<b>Halldórsdóttir</b>	Civil Aviation Administration	<b>Iceland</b>
	Mr	Brian	<b>Skehan</b>	Aviation authority	<b>Ireland</b>
	Mr	Enea	<b>Guccini</b>	ENAC	<b>Italy</b>
	Mr	Dace	<b>Revizore</b>	Civil Aviation Agency	<b>Latvia</b>
	Ms	Anna	<b>Cudare</b>	Civil Aviation Agency	<b>Latvia</b>
	Ms	Claude	<b>Wagener</b>	Direction de l'Aviation Civile	<b>Luxembourg</b>
	Mr	Bob	<b>Rieder</b>	DGCA, 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>
	Mr	José María	<b>Ramírez Ciriza</b>	Aviation Safety Agency	<b>Spain</b>
	Mr	Magnus	<b>Molitor</b>	Transport Agency	<b>Sweden</b>
	Mr	Igor	<b>Pirc</b>	Federal Office of Civil Aviation	<b>Switzerland</b>
	Ms	Pat	<b>Ricketts</b>	Civil Aviation Authority	<b>United Kingdom</b>
	<b>Observers:</b>				
	Ms	Selma	<b>Hodzic</b>	Ministry of communications and Transport	<b>Bosnia and Herzegovina</b>
	Ms	Aleksandra	<b>Potparević</b>	Civil Aviation Directorate	<b>Serbia</b>
	Mr	Özcan	<b>Baçoğlu</b>	Min. of Transport, Directorate Gen. of Civil Aviation	<b>Turkey</b>
	Mr	Jürgen	<b>Stegmeier</b>	EDA	<b>European Defense Agency</b>
	<b>Other participants:</b>				
	Mr	Franz	<b>Graser</b>	Austrocontrol	<b>Austria</b>
Apologies	Mr	Theo	<b>Rabenberg</b>	Transport Authority	<b>Denmark</b>
	Mr	Dirk	<b>Sajonz</b>	Luftfahrtbundesamt	<b>Germany</b>
	Mr	Henrik	<b>Caduff</b>	Office of Economic Affairs	<b>Liechtenstein</b>
	Mr	Martin	<b>Němeček</b>	Civil Aviation Authority	<b>Slovak Republic</b>



	Mr	Jürgen	<b>Stegmeier</b>	EDA	<b>European Defense Agency</b>
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Conclusions prepared by	Pierluca Satriano	14/11/2013	Signature
Conclusions reviewed by	Athanassios Tziolas, operational depts., Jules Kneepkens, EC	9/12/2013	Signature