European Aviation Safety Agency — Rulemaking Directorate

Advance Notice of Proposed Amendment 2014-12

European Commission policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008

RMT.0613 — 23.5.2014

EXECUTIVE SUMMARY

This EASA Advance Notice of Proposed Amendment (A-NPA) is addressed to the aviation community in the public or private sector and to aviation experts involved in professional or recreational activities. All addressees are invited to contribute by answering the questions listed in this document.

The A-NPA supports a policy initiative by the European Commission whose aim is to identify the most appropriate ways to update and improve Regulation (EC) No 216/2008 (the EASA Basic Regulation) in order to make it best respond to changes to the aviation environment and subsequent challenges to its safety. The aviation community is invited to contribute to the parallel European Commission's consultation, which is considering these issues from a broader perspective.

This initiative is based on a variety of established high-level policies and technical deliberations that took place over the last years and identified current issues and possible areas of improvement. These inputs are reflected upon in this A-NPA. Consequently, it remains at high generic policy level and refrains from addressing technical or legal details which will be dealt with at a later procedural stage, as necessary.

The objectives of the possible adjustments to the EASA Basic Regulation focus on preparing the European aviation system for the mid and long-term future. The high level of aviation safety in Europe is to be maintained, which might call for technical adjustments to the EASA's scope as well as addressing emerging technologies and respective solutions, namely steps towards performance-based regulation and fullest use of safety management systems. The ways of interaction and cooperation at all levels, and especially between the Member States' authorities and EASA, need to be looked at and the use of resources needs to be optimised. A more flexible attribution of responsibilities to address expertise and resource issues may be beneficial to this end. Furthermore, the long-term stability and appropriateness of the EASA funding system should be fostered, and a balanced level of beneficiaries' contributions should be achieved.

Focussing on these objectives, this A-NPA addresses seven different areas of potential change in order to increase the effectiveness of the European aviation system:

— performance-based and integrated approach to safety,

— modernising and updating the EASA's safety remit,

— extending the EASA's remit beyond safety,

— optimising the use of available resources,

— ensuring an adequate and stable EASA funding,

— further integration of aviation aspects, and

— aviation regulation beyond the EASA's facets.

Each of the area above lists possible adjustments and leads to an attached set of questions addressed to the public. Free commenting on any of these matters is also welcome.

The deadline for comments/responses to the questions is **15 August 2014.**

After assessing the feedback on this A-NPA, EASA envisages to publish an Opinion to be taken into account by the European Commission for possible future legislative proposals. In this context, answers by the public to the aforementioned questions will be crucial in the further policy and legislative decision-making process in so far as they are expected to establish a best-experience and knowledge-based footing.

Applicability		Process Map	
Affected regulations and decisions:	Regulation (EC) No 216/2008	Duration of A-NPA consultation:	3 months
Affected stakeholders:	National aviation authorities; aviation industry; passengers	Publication date of the Opinion:	2014/Q4
Driver/origin:	European Commisssion road map 'Policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency'		
Reference:	http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2015_move_001_revision_easa_regulation_en.pdf		

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1. This A-NPA

1.1. Intention

This EASA A-NPA is addressed to the aviation community. It is especially seeking the views of aviation experts who are involved in the public or private aviation sector. Besides authority personnel at Member State level, professionals working in the aviation industry or any other stakeholders, as well as representatives, are invited to contribute to this A-NPA. This explicitly also goes for the recreational sector and the wider General Aviation community.

The A-NPA supports a policy initiative by the European Commission[1] with a particular focus to enhance the public consultation and the level of expertise acquired for the subsequent process. The intention is to identify the most appropriate ways to update and improve the EASA Basic Regulation[2] in order to make it best respond to changes to the aviation environment and subsequent challenges to its safety[3]. Furthermore, said initiative is based on a dedicated European Commission road map[4], which the reader is invited to consult.

Based on the European Commission's initiative and designed to facilitate it, this A-NPA remains at a high level of policy-related matters and intentionally employs a condensed approach especially designed for the public consultation at stake. In being short, it deliberately focusses on the questions in Chapter 3. Additional context and motivation behind this initiative is provided foremost in the above-mentioned European Commission road map.

Once a policy direction is developed, based on the inputs provided to this A-NPA and on the subsequent EASA Opinion including a Comment-Response Document (CRD), another step will serve to address further details and possibly concrete legal adjustments. At this A-NPA stage, issues such as necessary technical corrections, clarifications or editorials are left unaddressed as those would also form part of a later step in the process.

Hence, the overall objective of this A-NPA is to contribute towards a high-level policy direction based on the best level of expertise and unbiased information by collecting comments and proposals from the aviation community.

The questions addressed in this A-NPA are understood to be open in the most comprehensive sense. EASA has no particular view on the direction to be taken on any of the listed matters.

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[1] European Commission's 'Policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency' in order to address the challenges lying ahead. In this context, the European Commission has launched a public consultation on 'Your Voice in Europe' (http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety_en.htm).

[2] Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

[3] The aviation community is invited to also contribute to the parallel consultation of the European Commission, which is looking at the related issues from a broader perspective: http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety_en.htm.

[4] http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2015_move_001_revision_easa_regulation_en.pdf

1.2. How to contribute

Contributions are expected by answering the set of questions listed in Chapter 3 of this document. The same questions are repeated in the Appendix to this A-NPA for ease of referencing.

Please submit your comments and answers through the automated **Comment-Response Tool (CRT)** available at **http://hub.easa.europa.eu/crt/**[5].

The deadline for submission of comments and answers is **15 August 2014.**

1.3. Next steps

Following the closing of the A-NPA public consultation period, EASA will review all the comments and answers received.

Based on this assessment, EASA will continue to assist the European Commission in this initiative by envisaging publishing an EASA Opinion to be taken into account by the European Commission for possible future legislative proposals.

2. Background

2.1. The EASA Basic Regulation

With the adoption of the initial EASA Basic Regulation, and the subsequent establishment of EASA in 2003, a new regulatory framework has been created. This framework aims above all at establishing a European aviation system with a high level of protection of European citizens, while protecting the environment and facilitating the free movement of goods, persons and organisations in the internal market.

This so-called 'EASA system' has been extended to a number of non-EU European countries by means of international agreements and 'working arrangements', and is therefore pan-European in scope.

Through subsequent EU regulations, the EASA's responsibilities and scope of work were increased. Regulation (EC) No 216/2008 extended the initial scope of EASA from airworthiness and environmental certification of aeronautical products to air operations, pilot licensing and safety of third-country aircraft. Regulation (EC) No 1108/2009 extended the common rules to cover also the safety of aerodromes, air traffic management and air navigation services. With EASA being the centrepiece of the European aviation safety system, EASA is built on the spirit of integrated cooperation with the Member States and the allocation of different tasks at all different levels involved. It is this allocation of tasks in combination with the technique to constantly involve and draw experience from the public and private sector which is commonly seen as the way to make the EU–EASA system complete and functioning.

After 10 years of operation, however, it is time to reflect on new aviation market developments, emerging technologies and experience gained from the daily application of the system in order to possibly improve and complement it.

2.2. The need for change

There has been a lot of reflection recently at various levels with the view to identifying potential areas of improvement of the current safety system, as established by the Basic Regulation.

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[5] In case of technical problems, please contact the CRT webmaster (crt@easa.europa.eu).

This particularly consists of the following:

— The initiative of the European Commission, as detailed in its road map[6], for a policy initiative on aviation safety and a possible revision of the Basic Regulation. This road map in turn is based on the 2011 Transport White Paper and dedicated aviation safety-related publications by the European Commission. The road map forms the basis of the initiative EASA is supporting through this A-NPA and it should be consulted by the reader for further context and reference.

— Article 62 of the Basic Regulation stipulates that the EASA Management Board shall commission an independent external evaluation of the implementation of the Regulation every five years. The latest evaluation dates from December 2013.

• Following the aforementioned report, a subgroup has been set up by the EASA Management Board to make recommendations on the future of the European aviation regulatory system. Surveys with major stakeholders have been conducted by the subgroup. The General Aviation Road Map was endorsed by the EASA Management Board on 11 December 2012.

— On Remotely Piloted Aircraft Systems (RPAS), a European Commission Communication was published in April 2014[7].

Findings from the above initiatives can be summarised as follows:

— The aviation regulatory system needs to be modernised:

• The current system shows shortcomings in different areas;

• The current system is not sufficiently responsive in order to adapt to a changing market and technologies.

— Governance in the EASA System — remit, organisation and resources:

• Complex European institutional set-up leading to inefficiencies;

• Inconsistencies and differences in approach between different domains of aviation regulation.

— Limitations to international leadership.

A detailed discussion of the issues related to these areas can be found in Section 3 together with some possible policy options.

It shall be pointed out that during the public consultation of this A-NPA, other initiatives will be pursued in parallel. The General Aviation and the RPAS Road Map initiatives are expected to lead to proposed changes to Implementing Rules, and also to the Basic Regulation itself. Furthermore, it is important to highlight that the current 'SES 2+'[8] legislative initiative might also lead to changes to the Basic Regulation.

It remains to be seen whether and how possible outcomes of these initiatives could be merged or fed into this A-NPA's initiative further down in the process. For now, however, this A-NPA is to be seen as separate from the aforementioned initiatives, also in order not to duplicate aspects which nonetheless might be of importance.

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[6] http://ec.europa.eu/smart-regulation/impact/planned_ia/roadmaps_2014_en.htm#MOVE

[7] http://ec.europa.eu/enterprise/sectors/aerospace/uas/

[8] European Parliament legislative resolution of 12 March 2014 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services (COM(2013)0409 — C7-0169/2013-2013/0187 (COD)).

2.3. The objectives of change

The aforementioned deliberations indicate a high level of convergence with regard to the identified issues as well as to the objectives of possible actions for mitigation.

In line with the European Commission's road map, the general objective of the initiative is to improve the performance of the European aviation system with regard to safety, competitiveness, environmental protection and quality of air services provided to citizens, by establishing the appropriate regulatory framework.

More specifically, the initiative will seek to improve the effectiveness of the EASA System by:

— modernising the regulatory system to:

- render it more proportional;

- improve its ability to identify and mitigate safety risks, and monitor performance in a systemic, performance-based manner;

- address new developments in a timely and dynamic way;

— revising governance, in particular the responsibilities of the actors in the EASA System to:

- better cooperate throughout the system in order to maximise the use of available resources and to increase safety and overall efficiency;

- ensure a consistent approach between the different technical and operational domains of aviation regulation;

- enhance European presence at international level.

The list of potential adjustments offered in Chapter 3 below is meant to work towards the set of objectives mentioned above.

3. Improving the effectiveness of the European aviation system

In order to address the identified objectives, the following areas of improvement have been identified.

3.1. A performance-based and integrated approach to safety

3.1.1. Reinforcing the performance-based approach

So far, the safety regulatory approach has been mainly reactive to lessons learnt from accidents, serious incidents, or from oversight activities. This approach employs a prescriptive, compliance-based system addressing the different aviation domains.

Statistics show that prescriptive rules and associated oversight have achieved tremendous results with regard to safety improvements in the past. However, risks which still exist even in the most compliant systems could be better addressed in a performance-based regulatory environment, also as modern aviation systems have become more and more complex in a dynamic marketplace. The rapid increase of traffic volume also encourages an even more proactive and even predictive system, thanks to the vast amount of data now available in result of a digitalised world full of monitoring systems. This suggests the development of a full Performance-Based Environment (PBE) including, amongst others, the establishment of safety performance indicators and targets.

In consequence, the necessary further evolution of safety management in the aviation system relies on the systemic and continuous capture and analysis of data to determine the necessary actions and to monitor the effectiveness of related performance indicators.

Although regulatory efforts have been made at European level towards capturing data, its aggregation, centralisation and management to enable the development of safety intelligence appears as a remaining challenge, and a PBE has not yet been fully established.

A sound, system-wide process to provide the necessary safety information to all levels is vital and should facilitate the exchange with others.

A potential European 'tool box' of actions to this end could comprise the following:

— The 'European Aviation Safety Plan' (EASp) as an enabler of coordination and strategy. The role of EASA in the identification of safety priorities and indicators should be legally established.

— Systemic mechanisms, tools and processes to further collect, analyse, exchange and protect safety data.

— A central data repository. This could include the existing European Central Repository (ECR)[9].

— Setting of safety performance indicators and targets.

— An oversight system more focussed on performance and risks, and ensuring best coordination and support among Member States.

Question 3.1.1.

(1)   Do you see issues with the existing, rather prescriptive compliance-based system as described above?

If yes, please identify possible policy options[10]:

(2)   What measures could be taken to best address these issues?

(3)   What would you see as the most relevant elements of a performance-based regulatory system?

(4)   To what extent should performance-based regulation be substituting or be complementary to the existing prescriptive rule system?

(5)   How do you suggest to implement the actions contained in the EASp, and which role should the different actors be given?

(6)   Do you see the need for further expanding the systemic mechanism and process of data collection, analysis and report, including setting safety performance indicators and targets? Which role should be attributed to EASA in this regard?

Please add any further comments in this context!

3.1.2. Safety training: An integrated approach

Aviation safety in Europe is ensured by highly skilled, committed and experienced professionals. With ever-changing and volatile markets, career profiles, employment demands and possibilities, the continuous up-keeping of human resources is constantly at stake in a wide aviation-related sense. This goes for both the public and the private sector, and across the board of aviation disciplines.

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[9]   http://eccairsportal.jrc.ec.europa.eu/

[10]   This open consultation is not intended to prejudge the outcome. Therefore, the questions related to policy options may not be applicable if you consider that no change is needed.

Following subsidiarity and flexibility considerations, it would not appear appropriate attempting to sustain or stabilise the level of available expertise within the Member States via obligatory 'competence schemes' and mandatory levels of staffing. Binding legal requirements to this end are expected to produce distorting results and unintended effects in their local application in individual cases.

It might appear sensible, however, to foster high-level expertise across the Union via the introduction of harmonised high-quality training requirements. A consistent and complete training on applicable technical and regulatory matters could be seen as a prerequisite for better understanding, living and promotion of the EASA system, hereby contributing to its improved implementation. In addition, enhanced mobility, efficiency and thus resource aspects could be supported by such an approach.

Taking this idea further, one may explore possible fields for its application, i.e. areas of different aviation professions as well as the scope of the harmonisation endeavour in the respective areas. Proposals range from the possible introduction of general syllabi to the introduction of certification or accreditation requirements for training providers by Member States' authorities or by EASA.

Question 3.1.2.

(1)   Do you consider that the aviation sector in the EU faces an issue with the availability of adequately qualified workforce to address future needs?

If yes, please identify possible policy options:

(2)   What measures could be taken to ensure sufficient expertise in the future?

(3)   Do you see benefits from harmonising aviation safety-related training at European level?

(4)   If yes, to which extent; Which aviation professions could be tackled or prioritised?

(5)   Do you see the need for accrediting or certifying certain training providers? At which level should this be performed?

Please add any further comments in this context!

3.2. Modernising and updating the EASA's safety remit

3.2.1. A more proportionate system: Implementing the General Aviation Road Map

The 'General Aviation Group', appointed by the EASA Management Board in the beginning of 2012, proposed a strategy for a new approach in the way General Aviation (GA) should be considered[11]. Its aim was to explore and develop options to lift undue burden put on the GA sector whilst still preserving an appropriate level of safety.

Based on this strategy, the Road Map for the regulation of General Aviation (the GA Road Map) has been endorsed by the Management Board, which lays down basic principles at EASA, Member State and GA stakeholder level, as well as a preliminary work programme for a new regulatory approach.

The GA Road Map stresses in particular the need for regulations based on identified risks as well as for regulatory protection determined by a clear risk hierarchy. Furthermore, the GA Road Map foresees the rules to be more 'tailor made' and more proportionate to the type of GA activity. The work plan calls for an initial focus on the lighter end of GA.

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[11]   European General Aviation Safety Strategy, 30 August 2012.

The described initiative has contributed to a more complete comprehension of the situation faced by the European GA, and has generated improved awareness of the potential impacts resulting from the current regulatory situation. It has already led to a list of necessary changes at Implementing Rule level and associated measures in the near future. Further significant actions are envisaged soon.

The public and GA stakeholders are invited to consider the approach detailed in the aforementioned papers and to provide their view on possible additional adjustments also to be made to the Basic Regulation.

Question 3.2.1.

(1)   Do you consider that the current regulatory system puts unproportionate burden on General Aviation?

If yes, please identify possible policy options:

(2)   What measures should be taken to reduce regulatory burden on General Aviation?

(3)   Which Basic Regulation requirements should be adjusted, and which should be prioritised?

(4)   Which items should be addressed within the present structure and why?

Please add any further comments in this context!

3.2.2. Regulation of State services

The legislator excluded certain operations from the scope of application of the Basic Regulation and its Implementing Rules, in response to their specific nature. This concerns military, customs, police, search and rescue, firefighting, coastguard and similar services. These operations are listed in Article 1(2)(a) of the Basic Regulation and what they have in common is that they are serving the public interest linked to the internal order or defence of the Member States.

As a consequence, aircraft performing such activities/services fall under the exclusive responsibility of the Member States in accordance with their national legislation. Subsequently, certificates and approvals issued under the Basic Regulation have no legal validity for such products and activities.

At national level, Member States are free to implement requirements similar — or even identical — to those laid down in European Union regulations, but national law mandating these requirements is always needed. In the same vein, Member States may issue national certificates or grant approvals on the basis of EASA certificates or approvals, provided that this is established in their national legislation. Hence, national requirements may be identical to European Union requirements, and certificates and approvals issued and granted in accordance with national requirements may be similar to those issued based on European Union requirements. They remain, however, under the sole responsibility of the Member State concerned.

Over the past years, the application of this system surfaced issues which have been raised repeatedly by Member States and industry. Those mainly refer to interoperability, market access and product sale, as well as harmonisation concerns. For example, numerous operators providing 'State Air Support' historically follow civil operation rules, operate EASA type-certified aircraft and have implemented Part-M/-145/-66, employ pilots holding

FCL licences, operate EASA-compliant FSTDs, and intend to be approved as training organisations under the Aircrew Regulation.

This illustrates possible advantages of including State services into the Basic Regulation in terms of efficiency and harmonisation, while no general safety objections to an inclusion are identified. Such inclusion could also remove hindrances to cross-border operation.

It should be considered, however, that the operations in question traditionally fall under the sole responsibility of the Member States. In many cases these activities are subject to national specificities, not necessarily safety related, which might put an obstacle to regulating them at a common level. Therefore, inclusion of these State activities in the Basic Regulation should only be done in strict adherence to the subsidiarity principle, i.e. if ensured that the objectives will be better achieved at EU level. Another advantage could be that Member States would no longer need to follow two sets of regulations (EU and national ones) in some areas, thereby setting free resources especially on the administration side.

Moreover, consideration should be given to questions such as which activity exactly should be included, as inclusion might not be beneficial or justifiable in all domains and for all activities or services. While possible inclusions in the areas of flight crew licensing and maintenance of EASA type-certified aircraft appear to be more promising, areas such as air operations appear to be difficult due to their specificities (i.e. mission, terrain and airspace).

Against this background, it is proposed to explore possibilities for State services currently excluded to be included in the scope of the Basic Regulation. In this context, consideration should be given to the domains for which inclusion would be an option, the range of activities to be included, and the conditions for inclusion.

Question 3.2.2.

(1)   Do you see issues emerging from the current exclusion of State services from the scope of the Basic Regulation?

If yes, please identify possible policy options:

(2)   What measures could be taken to address these issues?

(3)   Do you see benefits from including certain State services in the scope of the Basic Regulation?

(4)   If yes, what specific conditions for inclusion do you propose, and which activites and rule parts should be considered?

(5)   If yes, what would be the challenges of including State services in the scope of the Basic Regulation?

Please add any further comments in this context!

3.2.3. Annex II: Review of list of excluded aircraft

Aircraft listed in Annex II to the Basic Regulation are exempted from compliance with any of the rules following the Basic Regulation. The Annex comprises, amongst others, rather basic products for merely recreational purposes, but also large complex transport aircraft if modified for research, experimental or scientific purposes. In many cases, aircraft mass is used as exclusion criterion.

This system of exclusion is faced by a variety of challenges, foremost as it can be seen as not reflecting the latest technological developments and including inconsistencies (e.g. high-performance RPAS, listing of microlight aircraft while sailplanes are excluded). Furthermore, the certification of complex transport aircraft might require a level of expertise which may not be available at national level, while the task could more efficiently be performed by EASA. This way, a level playing field avoiding implementation of different standards in Member States could be ensured.

Possible adjustments to Annex II, therefore, could consider the improvement of the exclusion criteria by enhancing or substituting the mass criterion by other, more relevant risk-based criteria, thereby also removing aircraft of potentially higher safety risk or higher complexity from the Annex. In turn, additional aircraft involving a lower risk level could possibly be included in the Annex and a better harmonisation of the exclusion criteria could be ensured.

Furthermore, and in addition to aircraft, also other features could possibly be added to the Annex, such as certain 'activities'. This proposal, however, might be faced with challenges pertaining to harmonisation and 'level playing field' concerns.

Question 3.2.3.

(1)   Do you see issues stemming from Annex II to the Basic Regulation as it stands today?

If yes, please identify possible policy options:

(2)   What measures could be taken to address the issues?

(3)   Do you see merit in adjusting Annex II by including alternative criteria?

(4)   If yes, which criteria should be used and which aircraft should be removed from or added to the Annex?

(5)   Besides 'aircraft', would you see other elements qualifying for exclusion by adding those to the Annex? Which room and possible challenges do you see for such an approach?

Please add any further comments in this context!

3.2.4. Security aspects linked to airworthiness[12]

Aviation security threats have always existed and have evolved along with technology. They pose continuous risks to civil aviation. Proposed methods to mitigate those risks include new design provisions for aircraft, thus interface with the airworthiness domain.

At the same time, the ever-growing complexity of aircraft systems and their integration with ground-based systems seems to render it more and more difficult to segregate airworthiness matters from security. Furthermore, measures improving security may in turn impact safety negatively (e.g. locked cockpit doors).

On the other hand, risk assessment considerations, including a threat assessment in cooperation with national intelligence services, have to be considered before security measures are adopted.

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[12]   This Section addresses airworthiness-related security matters only. For wider security aspects, please refer to Section 3.3.2 'Aspects of aviation security'.

Today's scope of the Basic Regulation does not include security matters, but mandates EASA to issue measures that 'shall reflect the state of the art and the best practices in the fields concerned and be updated taking into account worldwide aircraft experience in service, and scientific and technical progress'[13].

Hence, EASA is currently not competent to propose Implementing Rules dealing with security issues or to take independent measures that would impose design changes addressing security threats (such as Airworthiness Directives (ADs) for in-service aircraft).

Furthermore, Sensitive Security Airworthiness Directives (SSADs) issued by a foreign civil airworthiness authority (e.g. FAA) cannot be adopted by EASA as validating authority. In result, no corresponding EASA AD can be issued on the same subject for aeroplanes registered or operating in Europe within the scope of the Basic Regulation.

Based on the above, it could be considered beneficial to extend the legal competence of EASA to propose Implementing Rules, issue soft law material, or take measures dealing with aviation security issues linked to airworthiness.

Question 3.2.4.

(1)   Do you see issues with the way airworthiness-related security threats are addressed by the current system?

If yes, please identify possible policy options:

(2)   What measures could be taken to address the issues?

(3)   Do you see benefits from giving EASA the competence to take airworthiness-related security threats into account and to embark on regulatory action along this line?

(4)   Would you be in support of EASA being empowered to issue Sensitive Security ADs?

Please add any further comments in this context!

3.2.5. Regulation of Ground Handling Service Providers

The Basic Regulation currently addresses safety provisions with regard to ground handling services only indirectly, as both air and aerodrome operators are expected to ensure the safety of Ground Handling Service Providers (GHSPs) within the scope of their respective responsibilities.

This indirect solution is seen as incomplete as it seems to shift legal and liability issues to the operators' part, while the absence of safety requirements addressed to the GHSPs directly is found to be a gap and a weak link in the chain of safety regulation in Europe. GHSP actions come with immediate safety implications, and practice seems to suggest room for improvement in this area.

Accordingly, the European Commission and EASA have been invited repeatedly by Member States and stakeholders to initiate the possibility to directly address safety requirements

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[13] Article 19.2 of Regulation (EC) No 216/2008.

for GHSPs. Such action, namely adjusting the scope of the Basic Regulation, would need to be attuned to the ongoing legislative efforts under the 'Airport Package'[14,15,16].

Question 3.2.5.

(1)   Do you see safety issues emerging from Ground Handling Service Provider activities not addressed adequately in the current scope of EU safety rules?

If yes, please identify possible policy options:

(2)   What measures could be taken to address the issues?

(3)   Do you see benefits from including GHSP acitivities in the scope of the Basic Regulation?

Please add any further comments in this context!

3.2.6. Common repositories for organisations and licences

Information about valid licences and organisation approvals issued by Member States (such as pilot licences, 145 approvals, FSTD approvals, etc.) is compiled in registries at national level only, without providing accessibility outside this Member State. This leads to a fragmentation of this significant information along national borders within the European-wide regulated and liberalised aviation market.

In result, efficient oversight — foreseen to be performed by personnel in one EU Member State to verify the validity of licences and approvals issued by another EU Member State — is hampered. Efficiency and potential oversight gaps appear to be an issue in this context, along with general safety concerns attached to fraudulent use and falsified licences. Accordingly, several cases of fraud have been identified especially in relation to medical issues and licences. Furthermore, the fragmented sets of information do not facilitate market access and service provision beyond national borders.

To overcome the aforementioned shortcomings, a central European repository, compiling licences and approvals issued by Member States, could be implemented. Such a repository might comprise information stored in the national registries without impacting current rights and obligations of the EU Member States and of licence/approval holders. Mechanisms for respective reporting and managing of such repository would need to be established.

Question 3.2.6.

(1)   Do you see issues stemming from the fragmentation of licence and approval information in Europe?

If yes, please identify possible policy options:

(2)   What measures could be taken to address the issues?

(3)   Could a central European repository for national licences and approvals address the issues?

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[14]   European Commission proposal of 1 December 2011 for a Regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (COM(2011) 824 final).

[15]   European Commission proposal of 1 December 2011 for a Regulation of the European Parliament and of the Council on common rules for the allocation of slots at European Union airports (Recast) (COM(2011) 827 final).

[16]   European Commission proposal of 1 December 2011 for a Regulation of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC of the European Parliament and of the Council (COM(2011) 828 final).

> (4)   If yes, which challenges would you see?
>
> (5)   If yes, which licences/approvals exactly should be stored in such a repository?
>
> Please add any further comments in this context!

3.3.   Extending the EASA's remit beyond safety

3.3.1. Enhance the scope of environmental protection

3.3.1.1. Redefining the essential requirements for environmental protection with respect to products

The Basic Regulation currently defines the essential requirements for environmental protection in the form of a direct reference to Annex 16 to the Chicago Convention. As a consequence, they only include requirements for the design of those types of aircraft or engines which are specifically mentioned in that Annex, and other aircraft or engines are not subject to environmental restrictions under the Basic Regulation.

Furthermore, this solution does not permit the Union to deviate from these Standards set by ICAO, and possible alternatives to better solutions are blocked. Moreover, the ICAO Standards are seen as incomplete, inappropriate or not up to date in some areas while they do not address the full scope of measures needed for a balanced and sustainable development in civil aviation.

For these reasons, it may be considered more appropriate for the Union to adopt its own dedicated essential requirements for environmental protection, as it has done in the field of safety.

Again, as it is done in the field of safety, these essential requirements would then be implemented by means of Commission regulations and EASA Certification Specifications, thereby affording the necessary flexibility to provide for the best level of environmental protection. In order to allow, however, Member States to fulfil their ICAO obligations and to avoid penalising European industry, these essential requirements and their implementation measures would need to be fully consistent with the ICAO framework. Furthermore, all these requirements for environmental protection, or any regulations or measures based on those, should be fully compatible with safety-related requirements.

> **Question 3.3.1.1.**
>
> (1)   Do you see issues with the essential requirements for environmental protection with respect to products, as they stand today?
>
> **If yes, please identify possible policy options:**
>
> (2)   What measures could be taken to address the issues?
>
> (3)   Do you see a possible benefit from redefining the essential requirements by including them in the Basic Regulation instead of a mere referencing to ICAO Annex 16?
>
> Please add any further comments in this context!

3.3.1.2. Broadening the set of essential requirements for environmental protection

With the initial Basic Regulation, only environmental provisions necessary to ensure the environmental compatibility of products (such as aircraft and engines) have been

introduced. Since then, however, the scope of the Basic Regulation has been extended to other domains of civil aviation safety, without doing the same for environmental protection.

Ensuring environmental compatibility of products alone may not be enough to provide for an appropriate level of environmental protection, and it seems to be widely agreed that only a balanced combination of measures possibly involving areas like control of noise/emission at source, operation of aircraft, design of aerodromes and route networks, as well as their use, together with land use planning, might fully provide for addressing the challenges of sustainable development.

Therefore, it might appear appropriate to examine whether a wider or more complete approach similar to the safety one would contribute to better meeting the objective of a high uniform level of environmental protection, also in view of possible synergies between the two dimensions. By extending the scope of the Basic Regulation in that sense, also existing voids, the patchwork character and possible overlaps implied by the existing set of different regulations and directives at EU level could be mitigated, and a more coherent solution could be put in place.

> **Question 3.3.1.2.**
>
> (1) Do you see issues related to the absence of essential requirements for environmental protection other than the ones applicable to products?
>
> ***If yes, please identify possible policy options:***
>
> (2) What measures could be taken to address the issues?
>
> (3) Do you see benefits from enhancing the set of related essential requirements to cover fields now addressed by the safety requirements alone?
>
> (4) If yes, which fields you think would qualify for such an enhancement?
>
> Please add any further comments in this context!

3.3.2. Aspects of aviation security

In addition to the difficulty of separating security and airworthiness-related safety matters as explained in Section 3.2.4, similar challenges exist in other domains such as ATM/ANS, aerodromes and operation. These challenges pertain to areas where — differently from Section 4.1.5 above — the security aspects lie outside the EASA's safety remit, except for ATM/ANS.

Examples like data integrity requirements and airport emergency plans indicate that safety-driven subjects cannot always be clearly dissociated from security elements naturally interfacing with them. Moreover, the increasingly interconnected aviation communication network and data transfer are progressively exposed to cyber security threats reaching out to all aviation domains. Overall, it appears that aviation in all areas is prone to security threats, including cyber attacks.

Only some aviation security requirements are addressed in the Basic Regulation, while the vast majority of such requirements is currently addressed via Regulation (EC) No 300/2008[17]. This Regulation defines rules applicable across the EU to safeguard civil

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[17] Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

aviation against acts of unlawful interference and establishes the basic requirements to address security of airports, aircraft, passengers, etc. The implementation of these rules, however, rests within the competence of the EU Member States.

In order to adequately address security threats to aviation efficiently and effectively, loopholes and overlaps created by the fragmented system should be avoided. This may suggest attributing the regulatory competence to one integrated entity and centralising safety as well as security implementing measures.

However, certain limitations need to be considered. Security legislation has to be based on actual threats which requires a permanent exchange between national intelligence services and the security regulator. This exchange is currently fully established under the existing risk assessment mechanisms established within the European Commission, national intelligence services and international partners.

Question 3.3.2.

(1)   Do you see issues with the existing approach to safety and security, including cyber security, in aviation?

   If yes, please identify possible policy options:

(2)   What measures could be taken to address these issues?

(3)   Do you consider the possible integration of security matters a viable option?

   (4)   If yes, to what extent? Which are the risks of and benefits from integrating certain security aspects into the scope of the Basic Regulation?

Please add any further comments in this context!

3.3.3. EASA's contribution to the Single European Sky (SES) initiative and the SES Performance Scheme (SPS)

The main objective of the European Union in the context of the 'Single European Sky' (SES) initiative is to reform air traffic management in Europe in order to cope with a sustained air traffic growth and air traffic operations under not only the safest, but also the best flight-efficient and environmentally friendly conditions.

As one of the key pillars of the SES, the 'SES Performance Scheme' (SPS) has been established. In implementing it, the European Commission and the national supervisory authorities are assisted by the Performance Review Body (PRB).

EASA's interface with the PRB and contribution to its SPS achievements are subject to a Memorandum of Understanding[18]. In this context, EASA has already provided significant support to the performance scheme via various rulemaking and target-setting processes. In doing so, EASA employs its appropriate expertise to issue regulatory material, to verify Safety KPIs, to assess SMS efficiency, and to analyse safety data.

EASA, however, could furthermore assist in the realisation of the SES objectives in a wider sense and beyond the — difficult to draw — borderline between safety and other performance criteria.

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[18]   Memorandum of Understanding: Working arrangements between the Performance Review Body (PRB) and the European Aviation Safety Agency (EASA) in relation to the SES Performance Scheme (SPS), 28 February 2011.

> **Question 3.3.3.**
>
> (1)   Would you see any benefit if EASA supported the SES Performance Scheme (SPS) beyond safety issues?
>
> ***If yes, please identify possible policy options:***
>
> (2)   What measures could be taken to achieve these benefits?
>
> (3)   Do you see room for EASA to assist National Supervisory Authorities (NSAs)? In which areas?
>
> > (4)   If yes, could you define priority areas and targets, or list possible activities for EASA in more detail?
>
> Please add any further comments in this context!

3.3.4. Research needs in aviation safety

Scientific progress and related research represent one key means to foster aviation safety. They impact or support the work carried out by many of the EASA activities, as they provide information on the avoidance and aftermaths of incidents or accidents, or are instrumental in supporting new rulemaking tasks, in addressing safety recommendations and emerging technologies.

The funding landscape of research activities within the Union is shared by many different players[19]. Member States and the European Union are funding relevant research efforts through their framework programmes, and more recently through the Horizon 2020[20] framework programme for research and innovation. Looking at the multitude of involved entities, it appears beneficial to ensure the best level of coordination of these efforts, especially with a view to avoiding redundancies as well as gaps, to setting proper priorities and to ensuring budget efficiency.

Whilst currently the role of EASA is to provide advice to the European Commission, it may be considered beneficial, however, to separate and to define more clearly the role of EASA vis-à-vis the overall EU aviation research efforts.

Furthermore, it is crucial for EASA to have access to research, as it is often also linked to safety recommendations. Mechanisms should be put in place to ensure this can be achieved and it should be analysed whether European aviation safety research could benefit from the creation of networks of facilities, clusters or 'centres of excellence', with short-term reactivity to the specific needs of EASA and the aviation authorities.

> **Question 3.3.4.**
>
> (1)   Do you see any issue with the fragmentation of research funding and coordination related to aviation safety?
>
> ***If yes, please identify possible policy options:***
>
> (2)   What measures could be taken to address the issue?
>
> (3)   Do you see a possible role for EASA in coordinating EU aviation safety

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[19]   E.g. European Commission DG R&I, DG ENV, DG ENTR, DG ENISA, Clean Sky, SESAR.

[20]   http://ec.europa.eu/programmes/horizon2020/

> research at EU level and/or in exchange with the Member States? If yes, what role would that be?
>
> (4)   What challenges do you identify in the proposals above?
>
> Please add any further comments in this context!

3.3.5. EASA's role in crisis management

The volcanic ash issues following the dramatic events of April 2010 in Iceland were challenging for the whole aviation community in Europe, and beyond. EASA is working on this subject with ICAO, Standards Bodies, NAAs and Research Bodies, and is contributing to the European Aviation Crisis Coordination Cell (EACCC)[21].

There are, have been and will continue to be major events and natural phenomena that impact safety, efficiency and capacity of aviation in Europe, as well as European products and systems worldwide. Not limited to volcano eruptions, they list amongst others radioactive contamination, cyber attacks, epidemics, extreme weather, space weather, and space junk. These dynamic phenomena know no boundaries, are unpredictable, and need to be addressed in a coordinated manner at (pan-)European and international level.

A lesson learned from past events is that there is a significant benefit to be accrued by being well prepared and having clear responsibilities set. Preparation includes exercising capabilities from time to time, provisions of information and conducting selected research work. Similarly, crisis coordination should be backed by adequate means for rapid response, expertise, facilities, and resources.

> **Question 3.3.5.**
>
> (1)   Do you see issues with the current European crisis management?
>
> ***If yes, please identify possible policy options:***
>
> (2)   What measures could be taken to address the issues?
>
> (3)   How could crisis management be better organised at European level?
>
> (4)   To which activity, if any, would you give priority for EASA to engage in? Please describe in more detail the role of EASA you would deem most beneficial.
>
> Please add any further comments in this context!

3.3.6. Common EU level register for aircraft

Currently, aircraft registries are kept in every Contracting State to ICAO in transposition of Article 19 of the Chicago Convention. In consequence, each EASA Member State maintains its own national aircraft registry.

The option of a common aircraft registry at EU level for the sake of facilitation and reduced administrative burden has been repeatedly discussed in the past, leading to diverging views as regards benefits, economic effects, and especially legal feasibility.

Establishing a 'Common EU Aircraft Registry' would result in the shift of State of Registry obligations from Member State to Union level. Consequences would be significant and manifold, in EASA becoming responsible for the safety oversight of individual aircraft registered within the EU. Beyond that, implications are to be expected outside the safety

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[21]   Article 18 of Commission Regulation (EU) No 677/2011.

scope, i.e. in international law, commercial/civil law and also criminal law. In addition, maintaining such a registry could involve substantial administrative obligations. While the pooling of related resources could improve the overall efficiency of the system, a high impact on resources at EASA level could be expected, unless the actual implementation would be maintained at national level.

Question 3.3.6.

(1) Do you see issues with the current situation where each EASA Member State maintains its own national aircraft registry?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Do you believe that the establishment of a Common EU Aircraft Registry would be a viable option to address the issues? What would be the advantages and disadvantages?

(4) Do you see alternatives to the complete shift of State of Registry obligations from Member State to European Union level by which certain advantages could be achieved whilst, at the same time, certain disadvantages be avoided?

Please add any further comments in this context!

3.3.7. EASA's role in the international context

EASA is tasked to promote EU rules and standards in the aviation sector globally, to ensure that European Union citizens can fly safely outside the EU, and to assist the European Union in its external policy. These three main 'international tasks' imply that EASA:

— assists the European Commission in establishing bilateral safety agreements and in guaranteeing the necessary regulatory convergence that is part of the comprehensive aviation agreements concluded by the EU with third countries and important strategic partners;

— assists the European Commission in the work to be done with regard to the safety list (evaluation of the States' safety aviation systems, and assisting States to be deregistered from the safety list);

— promotes EU aviation policies, rules and standards in the ICAO framework;

— performs technical cooperation in order to assist less developed countries to improve their regulatory and safety oversight capabilities.

So far, these activities mainly focus on the dimension of safety alone. Besides the option to intensify in this field, it could furthermore prove beneficial to add the economic dimension.

Although Europe's aviation sector is still performing strongly, prospects all over the world indicate a shift of balance from Europe and the United States as the dominating global aviation powers a variety of emerging economic and political players. While the level of economic strength and potential to grow as well as the willingness to cooperate with EU markets is different between them, they all have the capacity to immensely develop their air traffic and aviation industry. Some tend to increasingly employ their economic power to defend and to protect their interests 'at home' and 'abroad'.

Therefore, it seems to be worth looking into the possibility of adding respective activities to the EASA's responsibilities, with a view to assisting the support of the European aviation market.

> **Question 3.3.7.**
>
> (1) Do you see any issue with the representation of European Union interests in the international context?
>
> ***If yes, please identify possible policy options:***
>
> (2) What measures could be taken to address the issue?
>
> (3) Do you see a need for amplified EASA activity outside the European Union to promote safety standards and to provide assistance to States whose safety records are below the ICAO Standards?
>
> (4) Besides safety, do you deem it beneficial for EASA to take action to support other interests of the European aviation sector in order to strengthen and sustain its position? Which form of action would you prioritise?
>
> Please add any further comments in this context!

3.4. Optimising the use of available resources

Certification and continuing oversight tasks required by the Basic Regulation and its Implementing Rules are to be executed foremost at national level. The competence for oversight and certification at EASA level is limited to pan-EU or non-EU matters only.

Experience shows, however, that the increasing demand for such activities at Member State level can lead to challenges in the areas of both resources and expertise. Accordingly, the evaluation of oversight activities has repeatedly identified weaknesses in both areas. Challenges emerging form this are seen to be aggrevated by market developments and trends, such as activities remote from the overseeing body and business models suggesting operation even constantly secluded from the responsible authority. This not only calls for optimised oversight mechanisms — which are not addressed at this stage — but it underlines even more the need to make best use of available human resources via coordination and cooperation.

Therefore, and to ensure effectiveness and efficiency of these processes, an option for any Member State could be seen in voluntarily transferring certain tasks to EASA and empowering it to perform clearly defined certification and/or oversight tasks on behalf of that Member State. This option could be a means to ensure the safety level even if a sufficient level of specific expertise required for carrying out certain tasks is not available in that Member State, or required resources with high-level expertise will not be used efficiently due to the limited amount of activities in this Member State.

Such transfer could furthermore be beneficial in cases of complex organisations located and/or organisation's activities carried out in more than one Member State, where an appropriately centralised oversight or certification approach could ensure better consistency, robustness, and effectiveness. The implementation of such a centralised approach should still ensure adequate proximity of oversight activities via the appropriate level of involvement of the Member States concerned coordinated by EASA.

Important criteria of such a transfer mechanism should be examined. Especially the ways to initiate the transfer — by whom and when; only voluntarily or also obligatory in response to agreed system shortcomings — appear decisive. Moreover, the transfer's scope would need to be clearly defined, and legal aspects of responsibility and liability would need to be clarified.

Similar to the aforementioned 'vertical' transfer, adequate 'horizontal' allocation changes might appear as a solution to capacity or expertise challenges, i.e. a transfer from one Member State to another. Equally, clear criteria would need to be installed for this horizontal mechanism. Hereby the idea of the existing 'pool of experts', already facilitating the better use of existing expertise among Member States, could be enhanced.

Question 3.4.

(1) Do you see issues with the availability of resources at Member State level in the mentioned context?

(2) Do you see issues in the way responsibilities are shared between Member States and EASA today?

(3) Do you see issues with the existing oversight mechanisms in addressing particularly challenging scenarios, such as 'remote operations'?

If yes, please identify possible policy options:

(4) What measures could be taken to address the issues?

(5) Do you see benefits from and feasibility of transferring certification and/or continuing oversight tasks from a Member State to EASA?

(6) Do you see benefits from and feasibility of transferring certification and/or continuing oversight tasks from one Member State to another?

(7) Which criteria for the initiation and limitation of such transfers would you recommend?

(8) Could a situation be identified when the need for such a transfer might get compulsory?

Please add any further comments in this context!

3.5. Ensuring an adequate and stable EASA funding

Today, the EASA's budget consists of an EU contribution (~1/3) and of 'Fees & Charges'[22] (~2/3) paid by applicants for, and holders of, certificates and approvals issued by EASA. Some additional contributions stem from (non-EU) European third countries with which the EU has concluded agreements, and from publications revenues.

For various reasons, such as cuts of the EU contribution based on the 2014–2020 Multi-annual Financial Framework decided by the EU Member States and the European Parliament, potential variations in the fee contribution (changing economic situations, changing industry performance, regulatory changes, bilateral agreements, etc.) or new strategic developments, it could be considered necessary to enhance the current funding system to provide for better long-term predictability and stability.

The part of the EASA's budget constituted by the EU contribution is directly impacted by the overall discussions on the EU budget in current times of budget constraints.

Furthermore, the budget negotiation also includes the staffing level that cannot be exceeded even in case of additional funding received. Both fees and charges and subsidy financed recruitments are subject to the ceiling defined by the establishment plan, meaning that even for activities driven by external demands, the fund availability does not guarantee the possibility to recruit the necessary experts.

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[22] Commission Regulation (EU) No 319/2014 of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007 (OJ L 93, 28.3.2014, p. 58).

As regards fees and charges, there is a need to provide for a flexible system whereby EASA is ready to meet the needs of Europe's aeronautical industry and remains ready to respond to market demands.

An additional particular risk of the current system is that revenues might decrease in times of economic downturn, leading to a decrease of regulatory oversight activities, while from a safety point of view the contrary should be the case. Furthermore, due to the direct relation between fees and costs per activity, applicants consider fee-financed tasks as 'services' delivered by EASA (other than mandatory oversight) and, therefore, expect fast and cost-conscious execution. Applicants and certificate holders might feel invited to negotiate the necessary level of oversight due to cost reasons (e.g. number of hours and oversight visits), which implies a potential hindrance to proactive safety activities undertaken by EASA.

For certain products and enterprises, the fee system of EASA includes some elements of cross-financing to ease the financial burden on small and medium-sized enterprises (SMEs). Nevertheless, the general principle of exclusively funding certification activities through fees still appears to be burdensome for some SMEs.

Therefore, an enhanced funding system to provide for an adequate and predictable budget for EASA in the long term could be considered. This could be achieved by contributions of a wider range of users of the European aviation system resulting in lower costs per contributor and in increased revenue stability. A range of different options could be assessed, including ideas such as:

— a small fraction of 'en route' charges;

— a few cents of euro to be paid by all passengers;

— creation of the possibility to use 'grants' from authorities and/or industry.

Question 3.5.

(1) Do you see issues with the existing funding system of EASA and with its long-term stability?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issues?

   (3) Do you deem it adequate to have most or all beneficiaries of the EASA system contributing directly to the EASA's funding?

      If yes, what would be the preferred approach?

      (4) funding by route charges,

      (5) passenger contribution,

      (6) grants from authorities and/or industry,

      (7) other (please specify).

   (8) Do you see any issues related to the above points (4) to (6)?

   (9) Which other alternative solutions do you see for an improved funding system?

Please add any further comments in this context!

3.6. Further integration of aviation aspects

Section 3.3 already introduced possible areas of improvements and adjustments to be made to the Basic Regulation in order to address non-safety matters which, however, may still show a certain link to and impact on safety.

In addition to those specific items, it could be considered to give this idea, with an outlook for the mid to long-term future, an even wider perspective by creating a genuinely holistic approach to aviation matters. Integrated into the Union's institutional architecture, the future agency could deal in an orchestrated way with different or even all aspects of aviation which are today scattered across several responsible actors at EU level, thereby running the risk of leading to uncoordinated, if not contradictory, initiatives. The future agency could possibly integrate, besides safety and environmental protection, aspects of passenger health and rights, economic and capacity matters, etc.

> **Question 3.6.**
>
> (1)   Do you see issues emerging from the current split of responsibilities for the different aviation aspects?
>
> ***If yes, please identify possible policy options:***
>
> (2)   What measures could be taken to address the issues?
>
> (3)   What is your view on a future holistic aviation agency in this context? Where would you see advantages and disadvantages?
>
> Please add any further comments in this context!

3.7. Aviation regulation beyond the EASA's facets

This A-NPA focusses on possible future adjustments to the EASA Basic Regulation alone.

It appears worthwhile to consider, however, whether there may be aspects which fall outside the scope of this A-NPA, detached from the actual Basic Regulation, which could be of any interest to the future regulation of European aviation. The reader is invited to dwell on any suggestion in this regard.

> **Question 3.7.**
>
> (1)   Do you have any additional suggestions pertaining to regulatory aspects of aviation, but not directly linked to EASA and to the Basic Regulation?
>
> Please add any further comments in this context!

4.   Conclusions

The set of questions contained in this A-NPA are open and are not meant to suggest any inclination towards a specific direction. The answers given will be assessed by EASA in due time and will be instrumental when establishing the final EASA Opinion.

Said EASA Opinion, including the related CRD to A-NPA 2014-12, will be used by the European Commission for possible further legislative action. It will hereby complement the public consultation performed by the European Commission in the same context.

EASA highly appreciates the effort made by the reader in contributing to this A-NPA.

5.   Appendix: List of questions

For ease of referencing, the set of questions of A-NPA 2014-12 is listed in this appendix.

Note: No comments to be placed on this part.

3.1.1. Reinforcing the performance-based approach

Question 3.1.1.

(1)   Do you see issues with the existing, rather prescriptive compliance-based system as described above?

If yes, please identify possible policy options[10]:

(2)   What measures could be taken to best address these issues?

(3)   What would you see as the most relevant elements of a performance-based regulatory system?

(4)   To what extent should performance-based regulation be substituting or be complementary to the existing prescriptive rule system?

(5)   How do you suggest to implement the actions contained in the EASp, and which role should the different actors be given?

(6)   Do you see the need for further expanding the systemic mechanism and process of data collection, analysis and report, including setting safety performance indicators and targets? Which role should be attributed to EASA in this regard?

Please add any further comments in this context!

3.1.2. Safety training: An integrated approach

Question 3.1.2.

(1)   Do you consider that the aviation sector in the EU faces an issue with the availability of adequately qualified workforce to address future needs?

If yes, please identify possible policy options:

(2)   What measures could be taken to ensure sufficient expertise in the future?

(3)   Do you see benefits from harmonising aviation safety-related training at European level?

(4)   If yes, to which extent; Which aviation professions could be tackled or prioritised?

(5)   Do you see the need for accrediting or certifying certain training providers? At which level should this be performed?

Please add any further comments in this context!

3.2.1. A more proportionate system:
Implementing the General Aviation Road Map

Question 3.2.1.

(1)   Do you consider that the current regulatory system puts unproportionate burden on General Aviation?

If yes, please identify possible policy options:

(2)   What measures should be taken to reduce regulatory burden on General Aviation?

(3)   Which Basic Regulation requirements should be adjusted, and which should be prioritised?

(4)   Which items should be addressed within the present structure and why?

Please add any further comments in this context!

3.2.2. Regulation of State services

Question 3.2.2.

(1) Do you see issues emerging from the current exclusion of State services from the scope of the Basic Regulation?

If yes, please identify possible policy options:

(2) What measures could be taken to address these issues?

(3) Do you see benefits from including certain State services in the scope of the Basic Regulation?

(4) If yes, what specific conditions for inclusion do you propose, and which activites and rule parts should be considered?

(5) If yes, what would be the challenges of including State services in the scope of the Basic Regulation?

Please add any further comments in this context!

3.2.3. Annex II: Review of list of excluded aircraft

Question 3.2.3.

(1) Do you see issues stemming from Annex II to the Basic Regulation as it stands today?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Do you see merit in adjusting Annex II by including alternative criteria?

(4) If yes, which criteria should be used and which aircraft should be removed from or added to the Annex?

(5) Besides 'aircraft', would you see other elements qualifying for exclusion by adding those to the Annex? Which room and possible challenges do you see for such an approach?

Please add any further comments in this context!

3.2.4. Security aspects linked to airworthiness

Question 3.2.4.

(1) Do you see issues with the way airworthiness-related security threats are addressed by the current system?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Do you see benefits from giving EASA the competence to take airworthiness-related security threats into account and to embark on regulatory action along this line?

(4) Would you be in support of EASA being empowered to issue Sensitive Security ADs?

Please add any further comments in this context!

3.2.5. Regulation of Ground Handling Service Providers

Question 3.2.5.

(1) Do you see safety issues emerging from Ground Handling Service Provider activities not addressed adequately in the current scope of EU safety rules?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Do you see benefits from including GHSP acitivties in the scope of the Basic Regulation?

Please add any further comments in this context!

3.2.6. Common repositories for organisations and licences

Question 3.2.6.

(1) Do you see issues stemming from the fragmentation of licence and approval information in Europe?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Could a central European repository for national licences and approvals address the issues?

(4) If yes, which challenges would you see?

(5) If yes, which licences/approvals exactly should be stored in such a repository?

Please add any further comments in this context!

3.3.1.1. Redefining the essential requirements for environmental protection with respect to products

Question 3.3.1.1.

(1) Do you see issues with the essential requirements for environmental protection with respect to products, as they stand today?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Do you see a possible benefit from redefining the essential requirements by including them in the Basic Regulation instead of a mere referencing to ICAO Annex 16?

Please add any further comments in this context!

3.3.1.2. Broadening the set of essential requirements for environmental protection

Question 3.3.1.2.

(1) Do you see issues related to the absence of essential requirements for environmental protection other than the ones applicable to products?

If yes, please identify possible policy options:

(2) What measures could be taken to address the issues?

(3) Do you see benefits from enhancing the set of related essential requirements to cover fields now addressed by the safety requirements alone?

(4) If yes, which fields you think would qualify for such an enhancement?

Please add any further comments in this context!

3.3.2. Aspects of aviation security

Question 3.3.2.

(1) Do you see issues with the existing approach to safety and security, including cyber security, in aviation?

If yes, please identify possible policy options:

(2) What measures could be taken to address these issues?

(3) Do you consider the possible integration of security matters a viable option?

(4) If yes, to what extent? Which are the risks of and benefits from integrating certain security aspects into the scope of the Basic Regulation?

Please add any further comments in this context!

3.3.3. EASA's contribution to the Single European Sky (SES) initiative and the SES Performance Scheme (SPS)

Question 3.3.3.

(1) Would you see any benefit if EASA supported the SES Performance Scheme (SPS) beyond safety issues?

   If yes, please identify possible policy options:

   (2) What measures could be taken to achieve these benefits?

   (3) Do you see room for EASA to assist National Supervisory Authorities (NSAs)? In which areas?

      (4) If yes, could you define priority areas and targets, or list possible activities for EASA in more detail?

Please add any further comments in this context!

3.3.4. Research needs in aviation safety

Question 3.3.4.

(1) Do you see any issue with the fragmentation of research funding and coordination related to aviation safety?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issue?

   (3) Do you see a possible role for EASA in coordinating EU aviation safety research at EU level and/or in exchange with the Member States? If yes, what role would that be?

   (4) What challenges do you identify in the proposals above?

Please add any further comments in this context!

3.3.5. EASA's role in crisis management

Question 3.3.5.

(1) Do you see issues with the current European crisis management?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issues?

   (3) How could crisis management be better organised at European level?

   (4) To which activity, if any, would you give priority for EASA to engage in? Please describe in more detail the role of EASA you would deem most beneficial.

Please add any further comments in this context!

3.3.6. Common EU level register for aircraft

Question 3.3.6.

(1) Do you see issues with the current situation where each EASA Member State maintains its own national aircraft registry?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issues?

   (3) Do you believe that the establishment of a Common EU Aircraft Registry would be a viable option to address the issues? What would be the advantages and disadvantages?

   (4) Do you see alternatives to the complete shift of State of Registry obligations from Member State to European Union level by which certain advantages could be achieved whilst, at the same time, certain disadvantages be avoided?

Please add any further comments in this context!

3.3.7. EASA's role in the international context

Question 3.3.7.

(1) Do you see any issue with the representation of European Union interests in the international context?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issue?

   (3) Do you see a need for amplified EASA activity outside the European Union to promote safety standards and to provide assistance to States whose safety records are below the ICAO Standards?

   (4) Besides safety, do you deem it beneficial for EASA to take action to support other interests of the European aviation sector in order to strengthen and sustain its position? Which form of action would you prioritise?

Please add any further comments in this context!

3.4. Optimising the use of available resources

Question 3.4.

(1) Do you see issues with the availability of resources at Member State level in the mentioned context?

(2) Do you see issues in the way responsibilities are shared between Member States and EASA today?

(3) Do you see issues with the existing oversight mechanisms in addressing particularly challenging scenarios, such as 'remote operations'?

   If yes, please identify possible policy options:

   (4) What measures could be taken to address the issues?

   (5) Do you see benefits from and feasibility of transferring certification and/or continuing oversight tasks from a Member State to EASA?

   (6) Do you see benefits from and feasibility of transferring certification and/or continuing oversight tasks from one Member State to another?

   (7) Which criteria for the initiation and limitation of such transfers would you recommend?

   (8) Could a situation be identified when the need for such a transfer might get compulsory?

Please add any further comments in this context!

3.5. Ensuring an adequate and stable EASA funding

Question 3.5.

(1) Do you see issues with the existing funding system of EASA and with its long-term stability?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issues?

   (3) Do you deem it adequate to have most or all beneficiaries of the EASA system contributing directly to the EASA's funding?

      If yes, what would be the preferred approach?

      (4) funding by route charges,

      (5) passenger contribution,

      (6) grants from authorities and/or industry,

      (7) other (please specify).

   (8) Do you see any issues related to the above points (4) to (6)?

   (9) Which other alternative solutions do you see for an improved funding system?

Please add any further comments in this context!

3.6. Further integration of aviation aspects

Question 3.6.

(1) Do you see issues emerging from the current split of responsibilities for the different aviation aspects?

   If yes, please identify possible policy options:

   (2) What measures could be taken to address the issues?

   (3) What is your view on a future holistic aviation agency in this context? Where would you see advantages and disadvantages?

Please add any further comments in this context!

3.7. Aviation regulation beyond the EASA's facets

Question 3.7.

(1) Do you have any additional suggestions to make pertaining to regulatory aspects of aviation, but not directly linked to EASA and to the Basic Regulation?

Please add any further comments in this context!