European Aviation Safety Agency

4-year Rulemaking Programme 2013 – 2016

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1. Explanatory Note

The 4-Year Rulemaking Programme 2013-2016 is an annex to the Agency Work Programme 2013 and it includes the expected production of rules for the years 2013-2016[1]. The basis for the development of the Rulemaking Programme is the following:

- Legal obligations stemming from the BR and other applicable regulations

- The European Aviation Safety plan (EASp) 2012-2015

- Safety recommendations stemming from incident and accident reports

- ICAO activities and related deliverables, including the ICAO Work Programme 2013

- The ATM Regulatory Roadmap 2013-2017 (by the Commission)

- "Mandates" stemming from deliberations of the EASA/SES Committee

- The political agenda of the Commission and European Parliament

- Feedback from implementation, certification and standardisation

- Technological developments including new certification projects

- Commitments taken for the rulemaking programme 2012-2015 or earlier programmes

- Input from the consultative bodies AGNA/SSCC

- Proposals made by Member States, Industry or individuals

Especially for the areas of airworthiness, OPS and ATM/ANS as well as to some extent aerodromes and pilot licensing, more and more tasks will be addressed in a horizontal manner (see *Annex I*). This applies in particular to the following issues:

- Performance-based navigation (PBN)

- All Weather Operations

- Flight data recorders

- New technologies, including issues stemming from SESAR

- Remotely piloted aircraft (related to the EC Communication on UAVs)

- Rules of the air (SERA) and airspace usage requirements

In 2013 the Agency will focus on preparing the introduction of SMS requirements for design, production and maintenance in order to comply with ICAO SARPS, enhance the overall safety and contribute to address the systemic issues mentioned in the EASp. The reorganization of CS-23 to enhance safety of General Aviation, while reducing the certification costs, will be a key project for the next year. A rulemaking task on forward fit of Halon-free fire extinguishers is included in the programme as result of the close cooperation with ICAO action plan.

The review and updating of the initial new rules on Aircrew and Air Operations are driven by the above mentioned aspects. Projects on enhancing pilot training as well as runway safety, as identified in the EASp, are included in the programme. Moreover, the introduction of FTL requirements is gradually undertaken for all commercial and non-commercial operations with complex motor-powered aircraft. Concerning third country operators a stepped

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[1] Efforts have been focused on rulemaking deliverables to be finalised in the year 2013. Further prioritisation for the years 2014 to 2016 will take place next year.

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approach is foreseen, i.e. finalising first the rules for CAT operators followed by those for sub-ICAO aircraft and non-commercial operations with complex motor-powered aircraft.

In 2013 the Agency will continue the development of implementing rules on ATM/ANS and Aerodromes for implementing all requirements stemming from the Basic Regulation, contributing to the systemic and operational issues addressed in the EASp and to comply with ICAO SARPs. Special attention has been paid on the horizontal tasks such as PBN aiming to enable PBN operations in support of the SES and global application of PBN in other regions.

The Rulemaking programme 2013-2016 outlines also EASA rulemaking tasks necessary to support the implementation of European ATM Regulatory Roadmap[2] and the regulatory needs stemming from SESAR deployment. The associated timeframes for the development of SESAR rulemaking activities should be developed based on the projected Initial Operational Capability dates that have been listed in the SJU report on SESAR Regulatory Activities. A priority setting has to be done by the Commission as part of the Regulatory Roadmap and thereafter the Agency has to review the workload for the implementation of SESAR related tasks in order to ensure that the rulemaking programme is realistic and achievable. The tasks related to SESAR are therefore provided in a separated annex (see *Annex II*)[3].

The next years the Agency will focus on the development and alignment of implementing measures on Aerodromes in line with ICAO work programme, especially ICAO PANS-ADR and responding to technological developments as well as reacting to emerging safety issues.

Moreover, the Agency will start in 2013 with the implementation of CAEP/9 decisions.

Finally, the Agency has launched an effort to improve its interaction with standardisation bodies in an aim to make better use of industry standards in the certification specifications and AMC material areas. This will allow the reduction of workload required to update these documents and therefore allow staff to increase the output.

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

[3] In this regard, SESAR related tasks may have to be executed and consequently may impact the rulemaking programme 2013-2016.

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2. Executive summary

2.1   Introduction

The 4-year Rulemaking Programme 2013-2016 contains the rules which are expected to be issued in the year 2013 and a plan ahead for the years 2014-2016. It is built on the principle that the tasks planned for finalisation in 2013 constitute the Agency commitment whilst the planning of the tasks for the following years (2014-2016) is indicative and is subject to annual review taking into account the identified priorities and the resources available.

Emerging priorities and urgent tasks have also to be taken into account. This could lead to a change of the priorities in the year (a task will have to be removed to take on a new one). The 4-year Rulemaking Programme is reviewed annually.

2.2   Budget and resources

During preparation of the Rulemaking Programme, the Agency takes also into account the budgetary and staff planning document and information within the limits set in the various adopted Agency's budgetary and staff planning documents for the same period (e.g. draft Work Programme 2013, Business Plan 2012-2015, Management Staff Policy Plan 2013-2015).

At the same time, the Agency follows the discussions in the Management Board for the development of the planning documents which might lead to a re-alignment of the rulemaking programme, if required.

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3. Content and format overview

3.1 Content overview

The tasks of the 4-year Rulemaking Programme are indicated per discipline (Environmental Protection, Flight Standards, Product Safety, ATM/Airports) and include tasks leading to:

▪ **Opinions** of the Agency on amendments of the Basic Regulation and its Implementing Rules; and

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

3.2 Format overview

The Rulemaking Programme 2013-2016 is provided with the following information per task (see **figure 1**) and identified by letter to facilitate review:
- Affected EASA rules (A)
- Driver (B)
- Task number (new numbering and old numbering) (C)
- Task number (old numbering) (C')
- Task title (D)
- Task description (E)
- Discipline (and related Department) (F)
- Work method (Agency[4] or Group) (G)
- Deliverable (task leading to: Opinion or Decision) (H)
- Start date (year) (I)
- End date (year) (J)
- Changes from the adopted Rulemaking Programme 2012-2015[5] (K)
- Pre-RIA score[6] (L)
- Horizontal tasks (M)

Figure 1

Affected EASA rules (A)	Driver (B)	Task No. (old no.) (C)	Old numbering (C')	Title (D)	Description (E)	R2 Environmental Protection R3 Flight standards R4 Product Safety R5 ATM/Airports (F)	Work method (G)	Task leading to (H)	Starting date (I)	End date (J)	Changes from RMP 2012-2015 to RMP 2013-2016 (K)	Pre-RIA score (L)	Horizontal task (M)
CS-25	Safety	RMT.0047 (25.027)	25.027	Reduction of runway excursions (CS-25)	Develop the standards for the certification of the available new technologies aiming at reducing the number of runway excursion events	PS	Agency	Decision	2012	2013		pre-RIA old format	
CS-25	Safety	RMT.0048 (25.028)	25.028	Protection From Debris Impacts and Fire, Landing gear mechanism.	Protection From Debris Impacts and Fire: Develop a new paragraph of CS/FAR-25, which would cover the protection of the whole aircraft against the threat of tire/wheel failure. Identified as a common priority for JAA-FAA-TCCA joint rulemaking. Landing gear mechanism. Harmonisation activity on 25.729 (a) plus AMC based on JAA NPA 25D-163	PS	Group	Decision	2009	2013	End date changed	pre-RIA old format	
CS-25	Safety	RMT.0572	New task. No old number	Use of similarity analysis when showing compliance to SLD icing specifications	A working group with representatives of CS-25 aeroplane manufacturers will work on proposing GM and/or AMC material to further detail the AMC provisions proposed under RMT.0058 (in particular AMC 25.1420), which provides an option for applicants to use similarity to previous Types having demonstrated safe operation in SLD icing conditions. Such similarity analysis would aim at facilitating the demonstration of compliance to the new SLD rules and to take credit of positive service experience of the fleet owned by the applicant. This task would be complementary to RMT.0058(25.058).	PS	Group	Decision	2013	2013	New task		

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

5   This column includes the changes done to the adopted 4-year Rulemaking Programme 2012-2015 for addressing the AGNA and SSCC comments received in March and April 2012 as well as any internal consideration (e.g. updating on resources available).

6   Only tasks which have received a pre-RIA according to the new format have a pre-RIA score. This is just for the transition period. In the following years most of the tasks will have a pre-RIA score.