



# The EASA system

**Workshop EASA/AUSTROCONTROL**  
**Vienna, 16-17 June 2009**



# AGENDA

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- **I. The institutional and regulatory framework**
- **II. The EASA Rulemaking procedure**
- **III. Differences with the JAA system**
- **IV. The FCL NPA**
- **V. Next steps**



## ➤ I. The institutional and regulatory framework



# Institutional framework

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## **EASA:**

- **European Community (EC) Agency**
- **Legal personality**
- **Independence**
- **Legal, administrative and financial autonomy.**



# EASA

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## Main mission:

- to establish and maintain a **high uniform** level of civil aviation **safety and environmental compatibility**

## Additional objectives:

- **Free movement** of goods, persons and services
- **Cost efficiency** of regulatory processes
- Effective uniform implementation of **ICAO SARPS**
- Promoting Community views at the **global level**



# The EU legal framework

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**EASA** has been established as an **independent regulator** to meet these objectives by:

- **Preparing** the necessary proportionate rules
- **Overseeing** their actual **implementation**



# Regulatory framework

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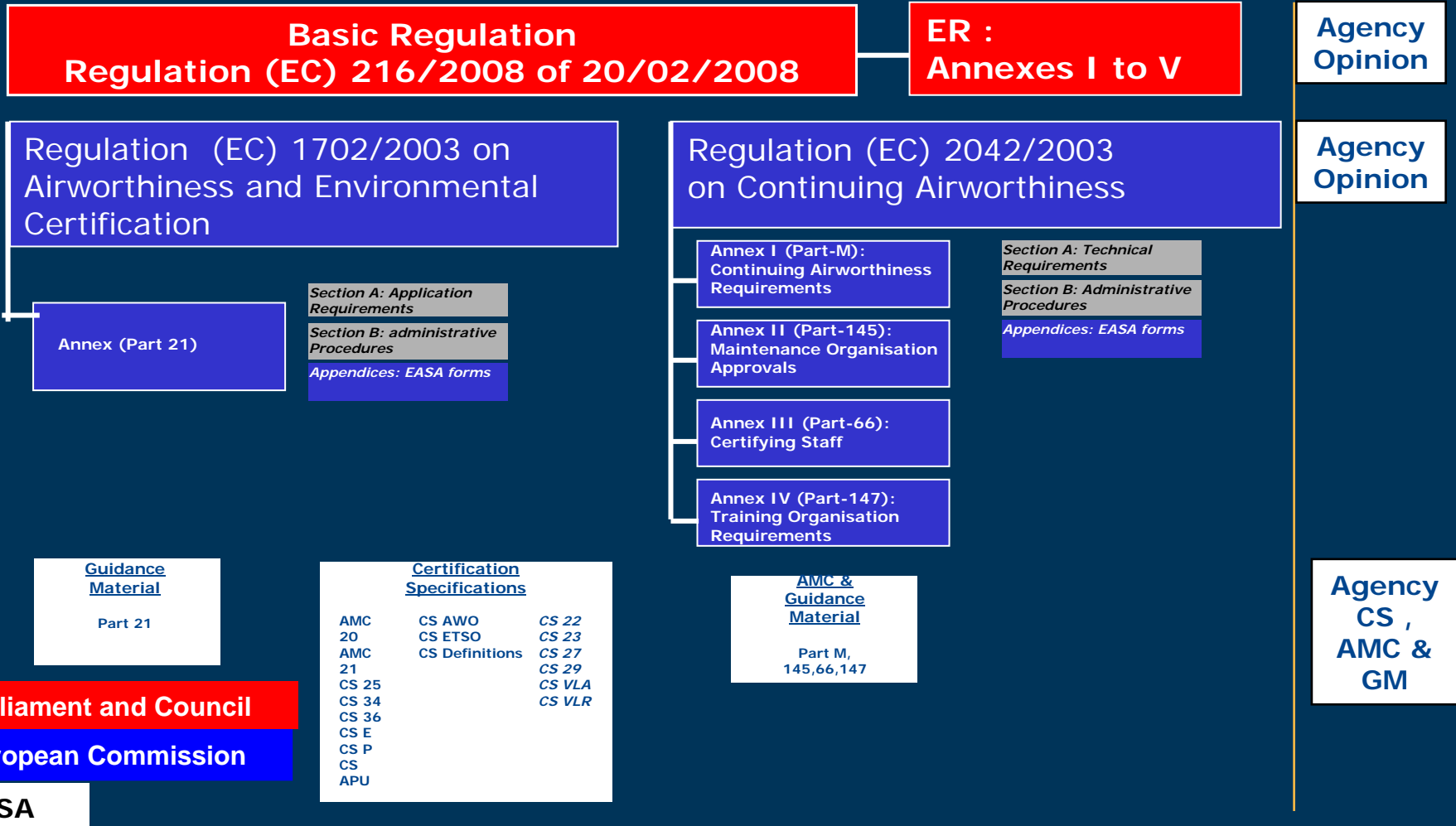
## The principles

**DECENTRALISATION IS THE RULE...**

**... CENTRALISATION THE EXCEPTION**



## Regulatory framework: present regulations structure







## Regulatory framework: division of competences

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### The Commission:

- **adopts implementing rules** (Commission Regulations 1702/2003 and 2042/2003)
- **oversees** the implementation of common rules by **NAAAs**, including use of safeguard provisions (art. 14 of EASA Regulation)
- **negotiates** international agreements



## Regulatory framework: division of competences

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### The Agency:

- **develops opinions for common rules** (Basic Regulation and implementing rules)
- **adopts material** for the application of common rules (certification specifications, airworthiness codes, acceptable means of compliance and guidance material)
- **acts as focal point vis-à-vis third countries and international organisations** for the harmonisation of rules and the recognition / validation of certificates



## Regulatory framework: division of competences

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### Member States National Aviation Authorities:

- **provide expertise** as appropriate for rulemaking tasks;
- **develop national administrative rules** for the **implementation** and **enforcement** of common rules (administrative procedures)
- **may take action on a case by case basis** if so required to ensure safety or appropriate operational flexibility (safeguards).



## Regulatory framework: division of competences

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### Member States National Aviation Authorities (cont.):

- Approve **alternative means of compliance**;
- Maintain **full competence** in the fields not transferred to Community competence:
  - ✦ **Aircraft mentioned in Annex 2 to the BR**
    - ➔ Eg. Ultra-lights, historical, military, experimental, etc
    - ➔ Except in some cases, when these aircraft are used in CAT
  - ✦ **Operations mentioned in article 1(2) BR**
    - ➔ Military, customs, police and similar



# The EU legal framework

	PL	Ratings, certificates	MC	ATO	FSTD	AeMC	OPS
EASA country	MS	MS	MS	MS	MS <sup>1</sup>	MS	MS
Non-EASA country	MS	MS	MS	EASA	EASA	EASA	EASA

1) EASA, when requested by a MS



## ➤ II. The EASA Rulemaking procedure



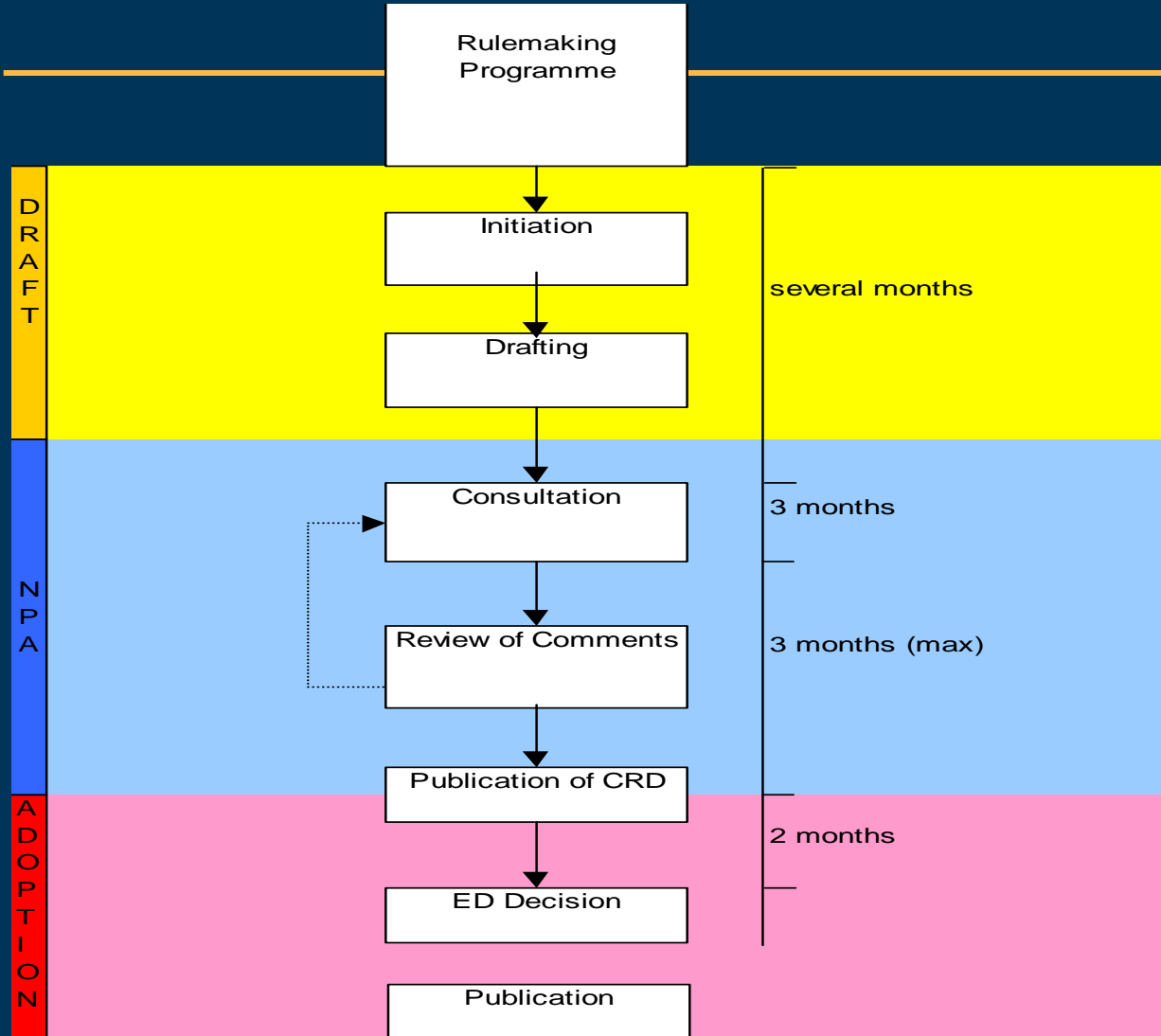
# EASA Rulemaking Procedure

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- Phase 1: Programming
  - ✦ Annual Rulemaking Programme
  - ✦ Advance Planning
  
- Phase 2: Processing of rulemaking deliverables



# Rulemaking process flowchart







## ➤ III. Differences with the JAA system



## Differences with the JAA system

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### For **Rulemaking**:

- The Agency proposals **follow** latest amendments of **EU-OPS/JARs**:
  
- But JAA NPAs in an advanced phase of adoption (ex: Draft NPAs FCL-33, FCL-34, FCL-36) were introduced;



## Differences with the JAA system

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For **Rulemaking** (cont.):

- EASA **implementing rules** are binding in their entirety
  - ✦ Need to be **less prescriptive** to provide for **flexibility**
  - ✦ To provide for **uniformity, AMC have to be issued**
  
- Some rule material included in EU-OPS and Sections 1 of JAR-FCL/JAR-OPS was 'downgraded' to AMC.



# Differences with JAA system

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- Performance based approach to rulemaking
  - ★ essential safety elements = rule
  - ★ non-essential implementation aspects = AMC



## Differences with the JAA system

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For **Rulemaking** (cont.):

- **Scope** of the EASA system is wider than that of the JAA
- **Drafting principles** of Community law require that identical requirements are not repeated

**It is not possible to have one rule per type of activity or aircraft**

**Differences in drafting style and structure**



## Differences with the JAA system

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### For Member States:

- Because of the nature of the EC, Member States **may no more**:
  - ★ **deviate from common rules** - except in the case of art. 14 of the Basic Regulation
  - ★ **impose additional requirements** - to ensure a level playing field and no discrimination
  - ★ **conclude international arrangements with third countries** - transfer of competence produces effects also for international competence



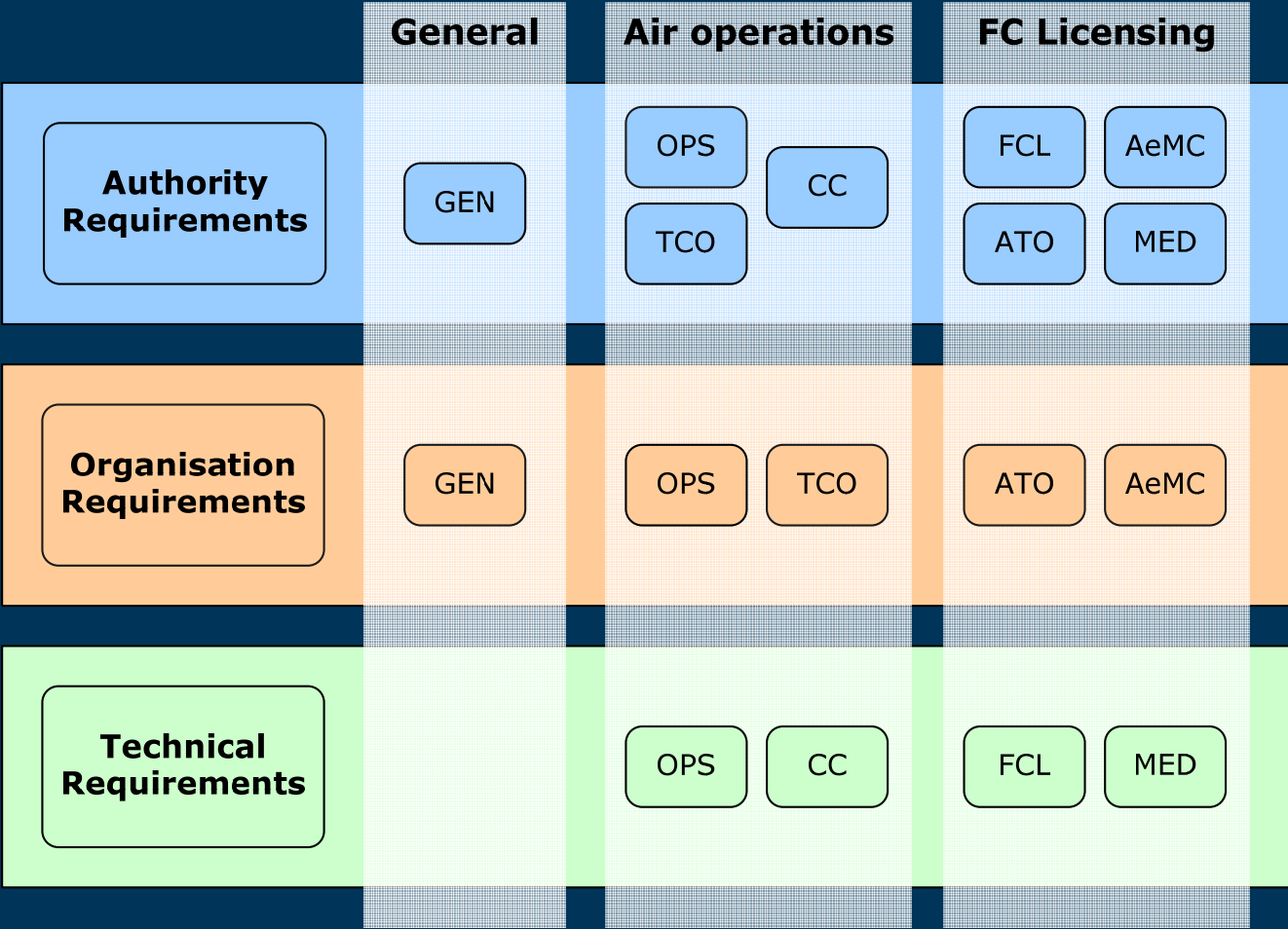
# Differences with JAA system

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The structure is different  
from that of the JARs

**WHY?**

# New Rulemaking structure

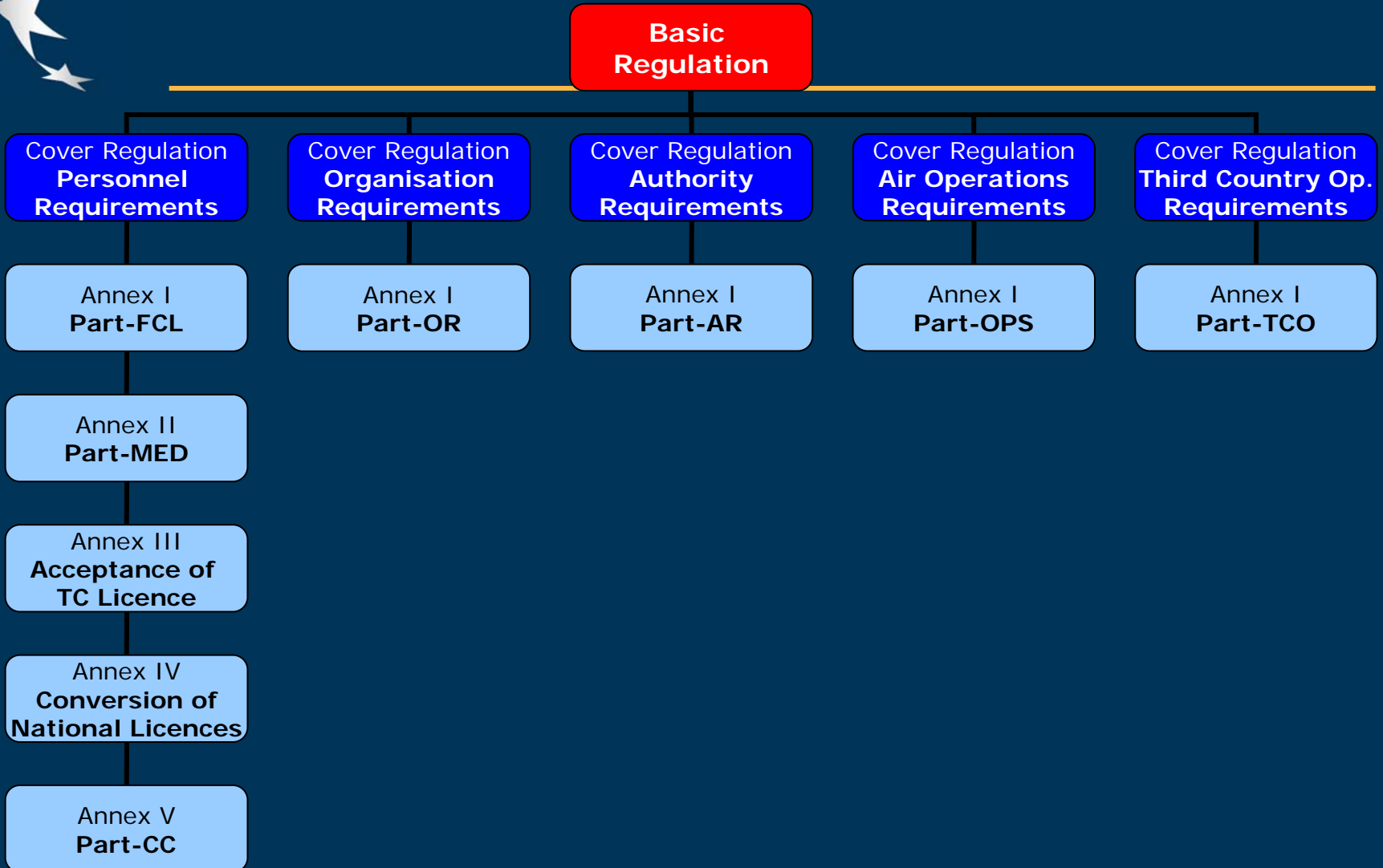






# European Aviation Safety Agency

## EASA IR structure





## ➤ IV. The FCL NPA



## The FCL NPA

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➤ The FCL NPA was divided into 3 separate documents:

★ **Explanatory note**

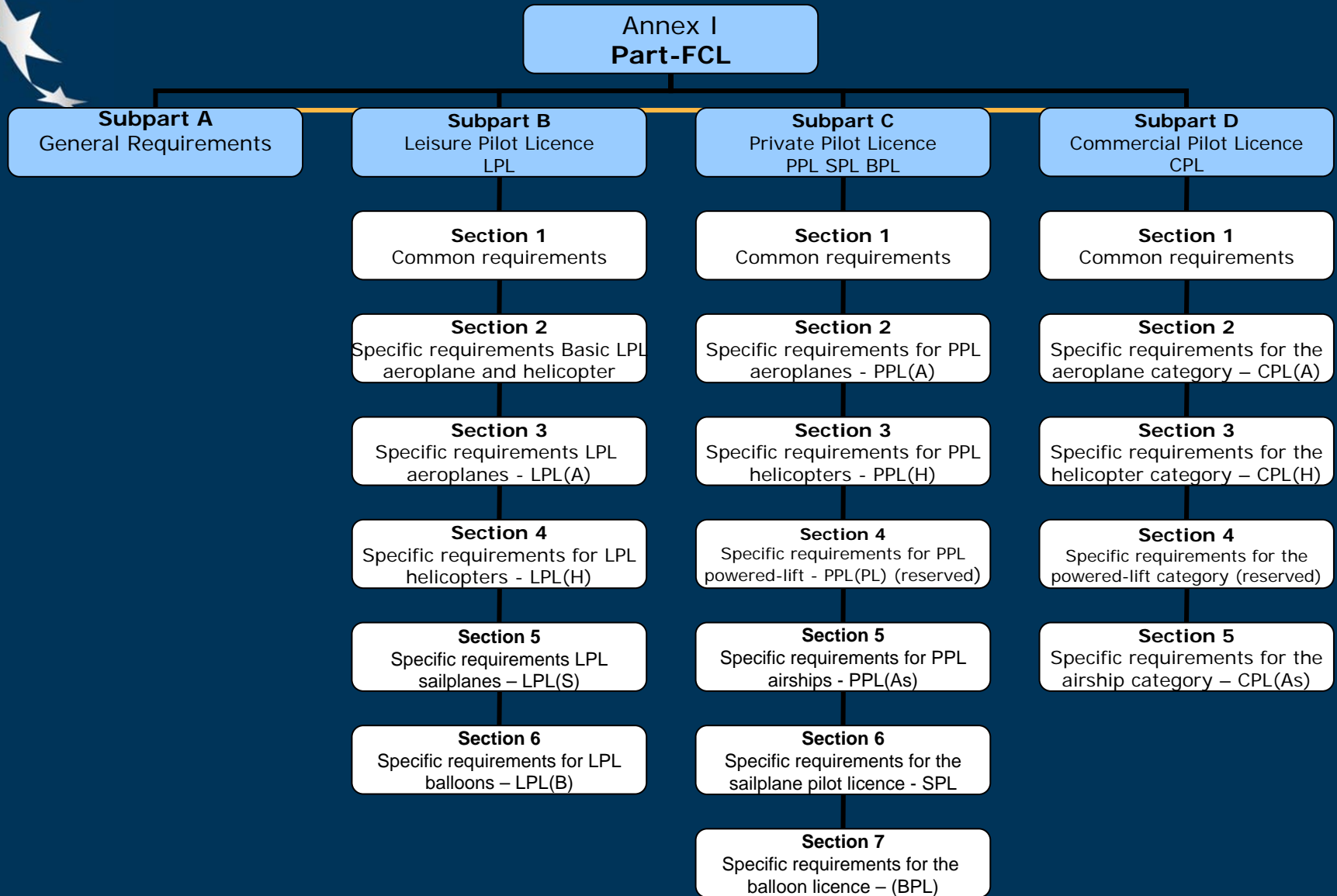
★ **Draft opinion and decision Part FCL**

★ **Draft opinion and decision Part Medical**



# European Aviation Safety Agency

## Overview of Part-FCL

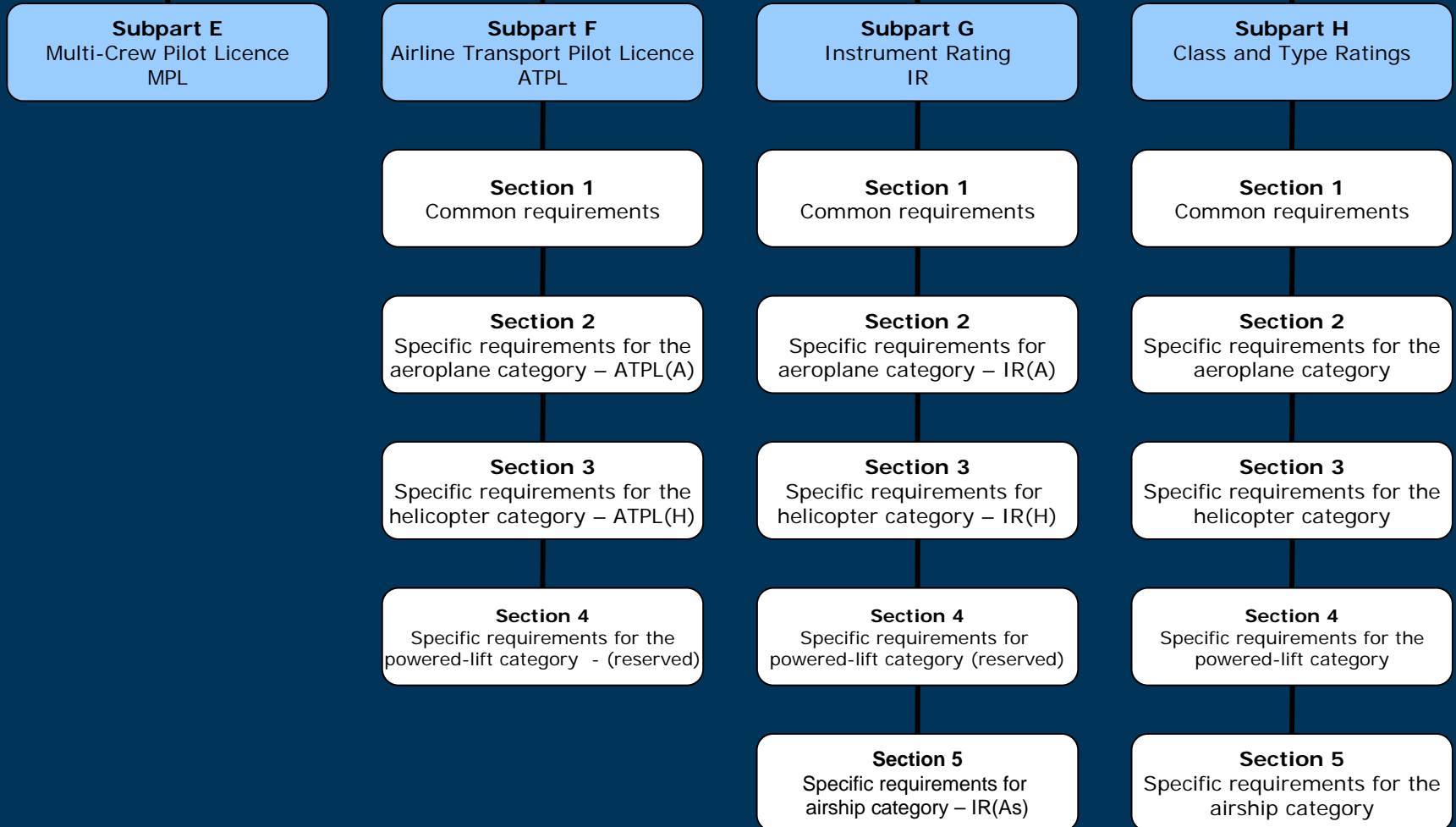




# European Aviation Safety Agency

## Overview of Part-FCL

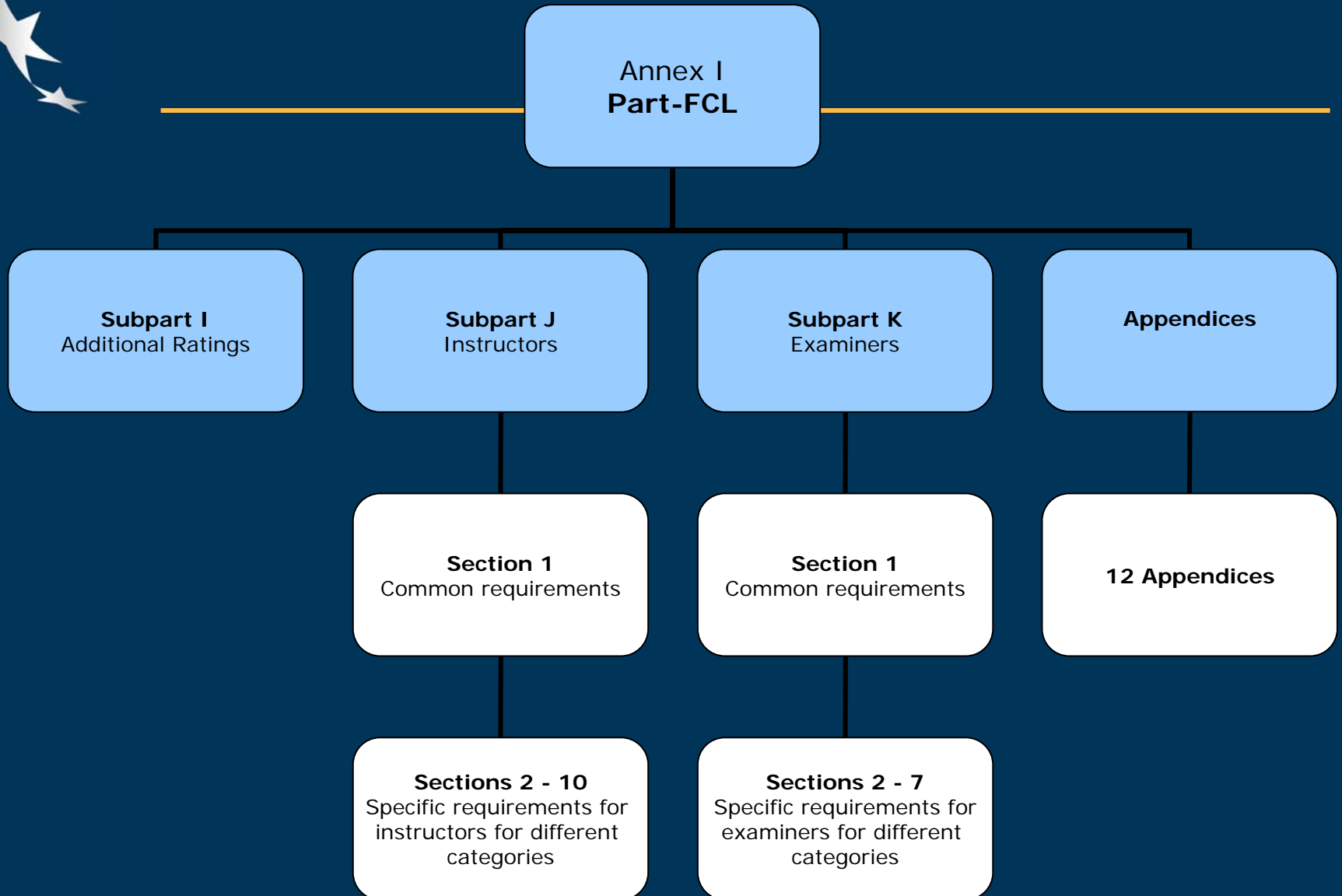
### Annex I Part-FCL





# European Aviation Safety Agency

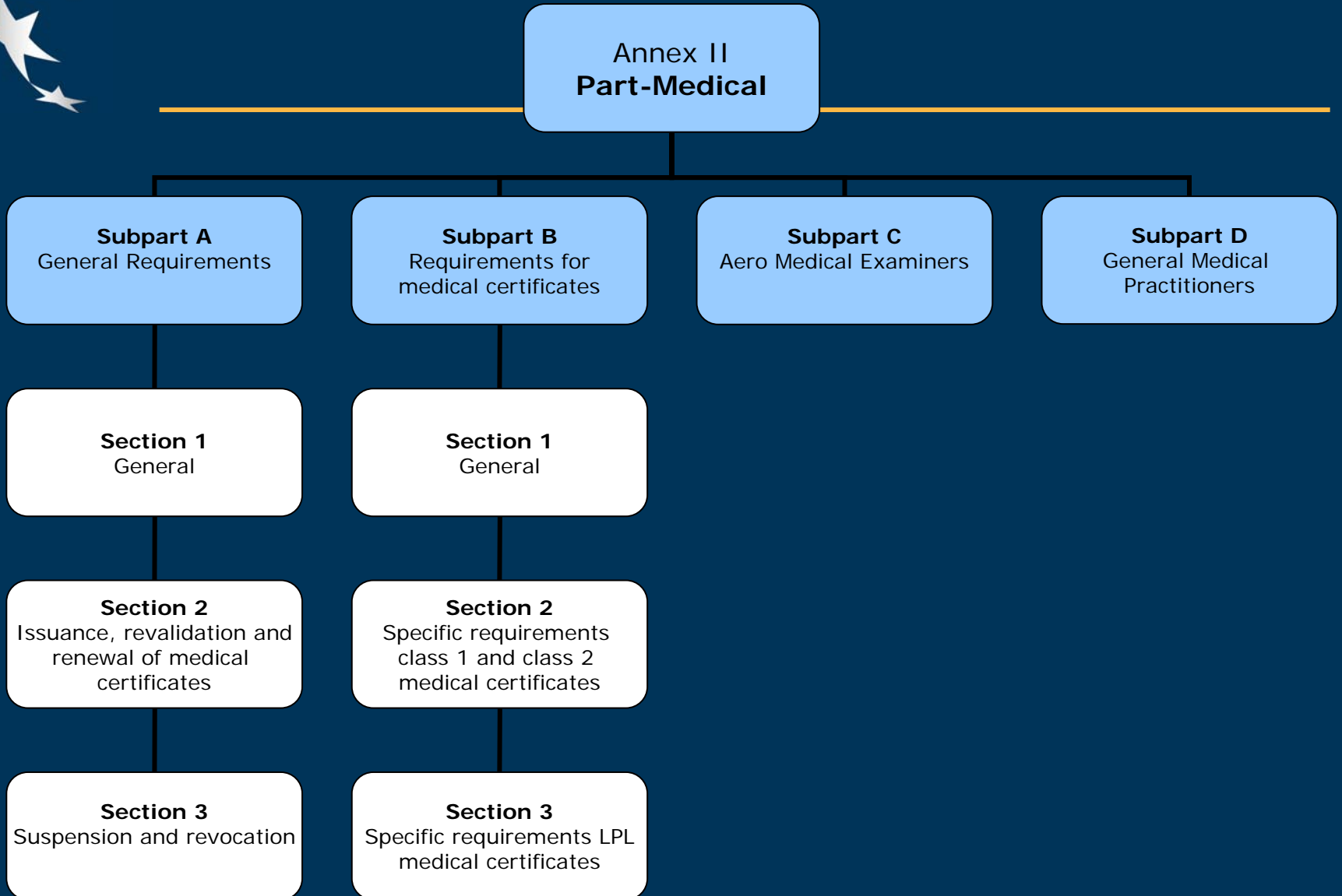
## Overview of Part-FCL





# European Aviation Safety Agency

## Overview of Part-Medical





## The FCL NPA

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- Part FCL and the Appendices contain requirements for:
  - ★ training and testing of pilots for all categories of licences
  - ★ instrument, type and class ratings and additional ratings
  - ★ instructor certificates
  - ★ examiner certificates





# The FCL NPA

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- **Part Medical contains :**
  - ★ **General Requirements**
  - ★ **Class 1 and Class 2 general medical requirements**
  - ★ **Requirements for the medical certificate for the LPL**
  - ★ **Requirements for Aeromedical Examiners and GMPs**



# The FCL NPA

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## ➤ Something missing?

*We didn't forget !*

- ★ Requirements for Training Organisations
- ★ Requirements for Aero-medical Centres
- ★ Requirements for the competent authority
  - ➔ **Included in NPA 2008-22**



## ➤ V. Next steps



## The next steps

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### ➤ NPAs published on the Agency's website

- ✦ NPA 2008-17 – public consultation ended 28 February
- ✦ NPA 2008-22 – public consultation ended 28 May
- ✦ **NPA 2009-02** – public consultation until **31 July**

**Anyone can comment!**

✦ please send your comments using the Comment Response Tool (CRT)

→ <http://hub.easa.europa.eu/crt/>



## The next steps

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### Where are we?

- Revision of comments

- ★ Every individual comment is considered and answered by the Agency with the help of a review group

- CRD will be published on the website for 2 months

- EASA sends opinions to Commission

### Comitology

- EASA adopts AMC / GM / CS after publication of EC Regulations

2011/2012?



## The next steps

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### Transitions measures - BR Art. 70

Applicability of the relevant articles as specified in their respective IRs, but not later than **8 April 2012**

- ★ In the meantime, “EU OPS” and the national rules that adopted JARs into national systems continue to apply
- EASA proposals for transition measures can be found in the explanatory notes



# The next steps

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## ➤ Transition measures:

### ★ Differentiated introduction of the requirements

➔ JAR requirements vs new requirements

### ★ any licences / certificates / approvals issued in accordance with JAR requirements and associated procedures are considered as having been issued in accordance with the Implementing Rules

➔ Sufficient time will be given to allow for the change of manuals and correction of other minor findings



# The next steps

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- **Transition measures (contd.):**
  - ★ **licences / certificates / approvals issued in accordance with national requirements can be converted on the basis of a report from the NAA, supervised by EASA**
    - ➔ **Sufficient time needs to be given**





# The next steps

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- **EASA is also preparing for the transition:**
  - ★ **A roadmap group has been set up to ensure that all necessary resources will be in place**
  - ★ **The creation of panel of experts in close relation with Standardisation and Rulemaking is being considered**
    - ➔ **To provide technical advice on harmonisation issues, namely the evaluation of alternative AMCs**



# The next steps

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## ➤ EASA is also preparing for the transition:

### ★ E-tool

- ➔ e-tool provides for easy identification of the requirements applicable to each activity

### ★ Mini-website Flight Standards

- ➔ More information on new rules, FAQ
- ➔ <http://easa.europa.eu/flightstandards/index.html>



# The next steps

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## ➤ Future tasks - FCL:

- ★ **Task FCL.008 – Conditions to fly in IMC started end 2008**
- ★ **Further tasks are already included in the rulemaking planning for the next years:**
  - ➔ **FCL.002 - elements that couldn't be included in NPA 2008-17 (e.g. LOs)**
  - ➔ **FCL.003 - Powered-lift licences**
  - ➔ **FCL.004 – Cruise-relief co-pilot**
  - ➔ **FCL.007 - IWG on FSTDs**



# The next steps

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## ➤ Future tasks - OPS:

★ **Several tasks are already included in the rulemaking planning for the next years:**

➔ MDM.063 – CRS

➔ OPS.071 – CS for FTL – non CAT

➔ OPS.064 – CAT with Annex II aircraft

➔ OPS.016 – Airships



European Aviation Safety Agency

# EASA Framework summary

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- EASA has a specific regulatory framework
- EASA NPAs have to differ from EU-OPS / JARs
- Performance based Rulemaking
  - ★ technical requirements are maintained
  - ★ format and system are changed