

Issued: 13 November 2014

## CAA Information Bulletin on EASA Developments – 25 July to 13 November 2014

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

<b>Applicability:</b>	
<b>Aerodromes:</b>	All Aerodrome Licence Holders
<b>Air Traffic:</b>	All ATC, FIS and ANSPs
<b>Airspace:</b>	All NATMAC Members
<b>Airworthiness:</b>	All Airworthiness Organisations
<b>Flight Operations:</b>	All AOC Holders and General Aviation Pilots
<b>Licensed/Unlicensed Personnel:</b>	All Training Organisations, Pilots and Maintenance Engineers

### 1 Introduction

- 1.1 This Information Notice provides highlights of EASA developments and CAA activities covering the period 25 July to 13 November 2014.

### 2 EASA Management Board

- 2.1 The EASA Management Board met on 10 September. There was a closed session in the morning to vote in two new EASA Directors and new Chair of the Management Board (MB).
- Luc Tytgat was selected to be the new Director of Strategy and Safety Management;
  - Olivier Ramsayer was selected to be the new Director of Resources and Support;
  - Pekka Henttu was elected as the new Chairman of the MB; nominations for Deputy Chair would be brought to the Board in December.
- 2.2 Other agenda items included reports from the Executive Director and the MB Subgroup (including the Article 62 report); information on the 2015 Standardisation Inspection Annual Programme and decisions on EASA Staff Regulations and the Staff Committee.

### 3 EASA Committee

3.1 The EASA Committee met on 8-9 October 2014. The agenda covered the following items on the first day:

- i) *Update on on-going Commission adoption procedures - Information by the Commission*
  - The Commission presented the timetable for the entry into force of Regulations adopted by the Committee. They are intending to revamp the format of the table (e.g. by grouping items into themes) to make it easier to follow.
- ii) *Proposal to amend Commission Regulation (EU) No. 1178/2011 and information note on pilot training – Discussion and vote*
  - After a lengthy discussion and several drafting changes, a vote took place and the Regulation was unanimously adopted. The positive vote means we have achieved:
    - o A delay to the mandatory requirements for all Registered Training Facilities to become Approved Training Organisations (ATOs) until April 2018 (from April 2015). The delay is to allow the development of alternative options for private pilot training to continue outside of ATOs beyond April 2018.
    - o An increase in the permitted upper age limit for single pilots of commercial balloon flights under EASA rules from 65 to 70 years of age.
    - o Rationalisation of the revalidation requirements for balloon group ratings to permit revalidation on the largest balloon the pilot intends to fly.
    - o Introduction of a means for the CAA to authorise instructors to sign the revalidations of single engine piston and touring motor glider ratings.
    - o Making seaplane rating revalidations more proportionate.

None of these changes come into effect until 8 April 2015.

- iii) *Draft Commission Implementing Regulation classifying civil aviation occurrences to be mandatorily reported according to Regulation (EU) No. 376/2014 of the European Parliament and of the Council on the reporting, analysis and follow-up of occurrences in civil aviation – Discussion*
  - The Commission explained that there had been no EASA Opinion on this measure because it was made under the Occurrence Reporting Regulation (376/2014) rather than the EASA Regulation. Nevertheless the EASA Committee had been given responsibility for Implementing Acts made under Regulation (EU) No. 376/2014. The Commission also advised the Committee that it would be preparing guidance on the implementation of the just culture provisions of the Regulation and would be holding a conference on this subject in 2015.
  - There followed a wide ranging discussion about the reporting criteria and eliminating inconsistencies and overlaps between reporting requirements from different organisations. The Commission recognised that there was need for a better explanation of who should report what. However, that was not within the scope of this Implementing Act and it would be dealt with in guidance material. EASA had been involved in the drafting of the Annexes to the Regulation and had ensured that they were consistent with the implementing rules and ICAO taxonomy. In response to a point raised by the UK delegation, it was clarified that the scope of Annex 5 is set by Regulation (EU) No. 376/2014 and the Annex is proportionate.

- iv) *Draft Commission Regulation amending Regulation (EU) No. 965/2012 as regards requirements for flight recorders, underwater locating devices and flight following systems (based on EASA Opinion No. 01/2014 on Flight Data Recording) – Review and discussion, and*
- v) *ICAO/IATA work regarding global tracking – Information by the Commission*
  - The Commission stated that the work on this issue was being carried out in parallel to ICAO initiatives and they were coordinating it as far as possible with the ICAO work. The title of the draft Regulation had also been changed to refer to aircraft tracking rather than flight following to reflect the ICAO terminology. The requirements of the draft Regulation had also been altered to bring them more into line with Recital 3 on the prevention of the disclosure of CVR recordings. The Commission also reported that the ICAO Flight Recorder Panel are considering a requirement for 25 hours of recording by CVRs for new aircraft from 1 January 2020. The Commission noted that they were awaiting the results of a study commissioned by IATA which would be used to develop their impact assessment.
- vi) *Applicability of Article 83bis of the Chicago Convention – Information by the Commission and EASA*
  - The Commission had conducted a review of the legal aspects of Article 83bis in respect of intra-EU aircraft leases. They concluded that the use of Article 83bis agreements were **not** necessary or appropriate as internally the EU already operates in a multilateral way. The Commission has produced a discussion paper on this subject and plan to have a separate discussion with ICAO regarding the EU system.
- vii) *Preparation of the ICAO High Level Safety Conference 2015 – Information by the Commission*
  - The Commission reported on progress with preparations for the ICAO High Level Safety Conference. The working papers being prepared with ECAC were almost finalised. In addition, the Agenda had also been improved and now contained a session for “hot topics” such as aircraft tracking and flights over conflict zones.

3.2 The second day included the following agenda items:

- viii) *EASA Opinion No. 02/2014 on Apron Management Service – Orientation discussion*
  - The Commission introduced the EASA Opinion, stating that that it was a matter for airports whether they had apron management services (AMS). The draft regulation was not specific about who should provide AMS. It could be the airport operator, ATS providers or a third party. Separate AMS certification would only be needed for third party providers. For airport operators and ATS providers, this would be covered by their main certificate. This may be put forward for a vote at the next meeting of the EASA Committee in January.
- ix) *Draft Commission Regulation amending Regulation (EU) No. 646/2012 as regards fines and periodic penalty payments - Information by EASA and the Commission*
  - A number of Member States raised similar concerns to those expressed by Airbus regarding the minimum level of the fine for a Level 2 finding and the lack of clarity on the circumstance in which this would be based on turnover rather than income.
  - The Commission responded that the draft Regulation has to be read in conjunction with Regulation 646/2012 which it amends. They stressed that Regulation 646/2012 required an exhaustive process to be undertaken before a fine could be imposed and it was clear that fines could not be imposed simply because a Level 2 finding had been made. Fines will only be imposed where an organisation has intentionally or

negligently breached the provisions of Regulation (EC) No. 216/2008 or its implementing rules “and where interests of the Union are involved”. Several Member States then queried the relevance of fines for Level 2 findings. The Commission gave the following example of why this was necessary:

A company in a central Asian republic held a Part-145 approval. Following an audit it received a Level 2 finding and was given 3 months to correct this in accordance with the implementing rules (IRs). It applied for and received a 3 month extension as was permitted under the IRs. At the end of the 6 months it demonstrated to EASA that it had closed the finding. A year later the same Level 2 finding was made at the next audit of the company and it was unlikely the necessary corrective action would be made in the 3 months allowed. Without fines EASA would only have the option of a Level 1 finding. This was likely to lead to the withdrawal of the company’s approval. However, this would not be in the interest of the company or EU airlines as the company was the only Part-145 approved organisation in the region. A significant fine (or the threat thereof) would provide alternative and less damaging means of enforcing compliance.

- The Commission stated that a minimum level for fines was necessary but that the amount was up for discussion - 1% of income or turnover had been used for other industries.
- x) *EASA and Commission 2014 and 2015 rulemaking programmes – Information by EASA and the Commission*
- The Commission presented the rulemaking programme noting that it was frozen until 2016. Following the reorganisation in EASA, the Safety Strategy Directorate will now be responsible for the rulemaking programme, ensuring that it is consistent with EASA’s strategy and goals. They will make use of the consultative bodies, particularly the Rulemaking Action Group (RAG), to draft the programme and will need Member States’ involvement at the strategic level.
- xi) *Draft Commission Decision authorising the United Kingdom to derogate pursuant to Article 14(6) of Regulation (EC) No. 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning restraint systems on flight crew seats of helicopters used in commercial air transport operations – Discussion*
- The Commission introduced the draft Decision noting that, as internal procedures had not been completed, there could not be a vote during the meeting but they would be initiating a vote under the written procedure in the near future. EASA stated that they had approved the UK derogation in the light of the limited nature of the operations in the helicopters concerned. Article 14.4 should be used to bridge the gap until the derogation had completed the adoption procedures. At the time of writing, we await the final outcome of the written procedure.
- xii) *Any other business:*
- *Progress as regards in-flight security (follow-up of the discussion at EASA Committee of May 2014) – Information by EASA*

EASA reported that they were considering a number of comments in respect of operator security programmes, in-flight security and the carriage of weapons. A final CRD on the Sterile Flight Deck AMC was due in mid-November.

## 4 Other Rulemaking Topics

### 4.1 *Agency Proposals to Change the Basic EASA Regulation (Regulation (EC) No. 216/2008)*

The consultation on A-NPA 2014-12 closed on 15 September 2014. A combined, coordinated response on behalf of the UK Department of Transport and the UK CAA can be found at the link at paragraph 5.3 below.

### 4.2 *Single European Sky (SES)*

Progress on all SES activities is covered in the SES Bulletin published periodically on the following webpage: [www.caa.co.uk/SES](http://www.caa.co.uk/SES).

## 5 CAA Responses to NPAs and CRDs

### 5.1 The CAA made comments on the following EASA consultations since the last update ([IN-2014/124](#)) was published:

CRD 2013-08	Requirements for ATM/AMS providers and the safety oversight thereof
NPA 2014-11	Functions and Responsibilities of B1 and B2 support staff – Link with sign off
A-NPA 2014-12	European Commission policy initiative on aviation safety and a possible revision of Regulation (EC) No. 216-2008
NPA 2014-13	Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities
NPA 2014-14	Portable Electronic Devices
NPA 2014-16	High-Intensity Radiated Fields (HIRF) and Lightning
NPA 2014-17	Crew Resource Management (CRM) Training
NPA 2014-18	Commercial Air Transportation Aeroplane Operations at Night or in IMC using Single Engine Turboprop Aeroplanes
NPA 2014-20	Technical requirements and Operational Procedures for the Provision of Data for Airspace Users for the Purpose of Air Navigation
NPA 2014-21	Update of CS ADR-DSN.D.260 Taxiway Minimum Separation Distance

### 5.2 The CAA had no comments on the following EASA consultation since the last update was published:

NPA 2014-15	Implementation of CAEP/9 amendments; Update of CS-34 and CS-36
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### 5.3 [CAA responses on NPA and CRD consultations](#) can be viewed on the CAA website.

## 6 Opinions

### 6.1 EASA recently published [Opinion 02/2014](#) on Requirements for Apron Management Services at Aerodromes.

## 7 Commonly used Abbreviations in EASA Bulletin

### 7.1 A list of commonly used abbreviations used in our EASA Bulletins and their meanings are provided as an [Annex](#) to this Information Notice. The Annex also includes a link to the standard list of terms used to describe the high-level EASA regulations.

**8 Queries**

- 8.1 Any queries as a result of this communication should be addressed to the [European.Affairs@caa.co.uk](mailto:European.Affairs@caa.co.uk) e-mail address.

**9 Cancellation**

- 9.1 This Information Notice will remain in force until 13 April 2015.

## Annex Commonly used Abbreviations in CAA EASA Information Bulletin

ACAS	Airborne Collision Avoidance System
AMC/GM	Acceptable Means of Compliance / Guidance Material
ANS	Air Navigation Services
AR/OR	Authority Requirements / Organisation Requirements
ATCO	Air Traffic Control Officer
ATM	Air Traffic Management
CC	Cabin Crew
CRD	Comment Response Document
EAB	EASA Advisory Board
FABS	Finance and Business Services
FCL	Flight Crew Licensing
FTL	Flight Time Limitations
GA	General Aviation
IMC	Instrument Meteorological Conditions
IR	Implementing Rule
MED	Medical
NAA	National Aviation Authority
NPA	Notice of Proposed Amendment
NSA	National Supervisory Authority
OJEU	Official Journal of the European Union
OPS-NCO/NCC	Operations - non-commercial operations with other than complex motor-powered aircraft / non-commercial operations with complex motor-powered aircraft
OPS-SPO/CAT (S+B)	Operations - specialised operations / commercial air transport operations for sailplanes and balloons
OPS-CAT/SPA	Operations - Commercial air transport operations and specific approvals
OSD	Operational Suitability Data
RAG	Rulemaking Advisory Group
SERA	Standardised European Rules of the Air
SES	Single European Sky
SSCC	Safety Standards Consultative Committee
TAG	Thematic Advisory Group
TCO	Third Country Operators

**Note:** A further list of standard terms used to describe the EASA Regulations can be found at: [EASA Terminology](#).