



The EASA System

EASA Rules Seminar
Overview of EASA Rulemaking Process
Le Bourget, 16 October 2008



AGENDA

- I. The institutional and regulatory framework
- II. The EASA Rulemaking procedure
- III. Differences with the JAA system
- IV. Structure of future EASA rules



➤ I. The institutional and regulatory framework



Institutional framework

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

 - Vision:
 - ★ EU citizens should benefit from the safest and the most environmentally friendly civil aviation system in the world.

 - Mission:
 - ★ Our mission is to promote the highest common standards of civil aviation safety and environmental protection in Europe and worldwide.
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Institutional framework

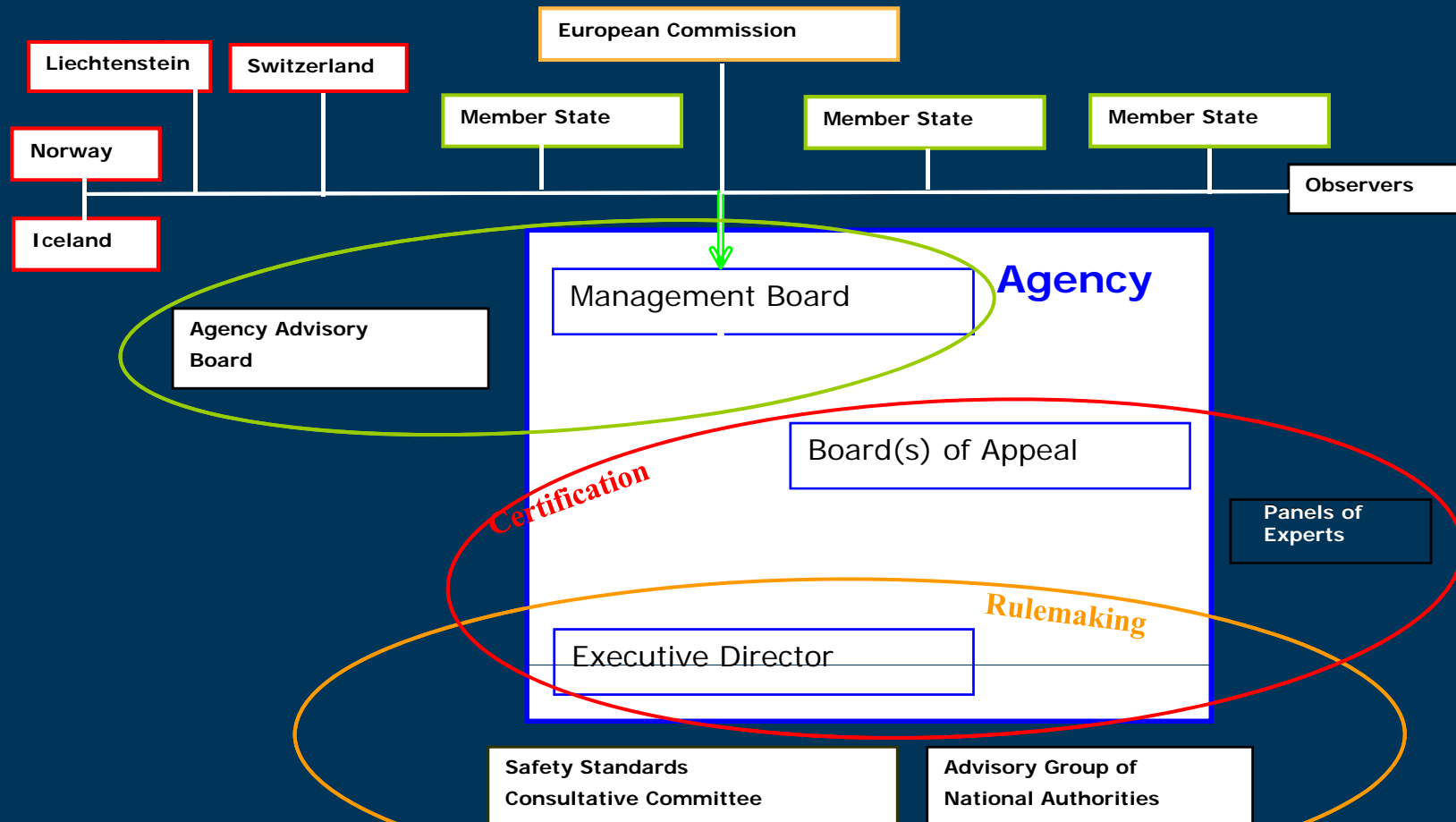
Objectives of the Agency:

- establish and maintain a high uniform level of aviation safety in Europe;
- ensure a high uniform level of environmental protection;
- promote cost efficiency in the regulatory process,
- assist Member States in fulfilling their ICAO obligations;
- promote Community views through co-operation with third countries and international organisations.



European Aviation Safety Agency

Institutional framework: EASA governance scheme





Institutional framework: EASA structure





Regulatory framework

The principles

DECENTRALISATION IS THE RULE...

The EC Treaty is based on the principle that the Community **acts as a legislator**, while **Member States apply** Community law under Community control.

Community law is directly applicable (full part of Member States legal order).

Legal remedies for individuals and enforcement means are provided by Member States judicial systems.



Regulatory framework

The principles

... CENTRALISATION THE EXCEPTION

The EC Treaty provides however for the **delegation of executive powers** to the **Commission** (hard law) or an **executive agency** (soft law)

In such cases:

- Delegated powers shall be strictly defined to allow judicial control of executive acts
- Judicial remedies available to individuals and enforcement means shall be specified when delegated powers allow individual decisions



European Aviation Safety Agency

Regulatory framework: the Basic Regulation

➤ The **Parliament** and the **Council**

- ✦ define the **Scope of Powers** transferred from the Member States to the Community.
- ✦ adopt the **Essential Requirements** specifying the objectives to be met

➤ The **Commission**

- ✦ adopts **standards** for implementing the essential requirements.

➤ The **Agency**

- ✦ adopts **non binding standards** for implementing the essential requirements



Regulatory framework: present regulations structure

Basic Regulation
Regulation (EC) 216/2008 of 20/02/2008

ER :
Annexes I to V

Agency
Opinion

Regulation (EC) 1702/2003 on
Airworthiness and Environmental
Certification

Regulation (EC) 2042/2003
on Continuing Airworthiness

Agency
Opinion

Annex (Part 21)

*Section A: Application
Requirements*
*Section B: administrative
Procedures*
Appendices: EASA forms

- Annex I (Part-M):
Continuing Airworthiness
Requirements
- Annex II (Part-145):
Maintenance Organisation
Approvals
- Annex III (Part-66):
Certifying Staff
- Annex IV (Part-147):
Training Organisation
Requirements

*Section A: Technical
Requirements*
*Section B: Administrative
Procedures*
Appendices: EASA forms

Guidance
Material
Part 21

<u>Certification Specifications</u>		
AMC 20	CS AWO	CS 22
AMC 21	CS ETSO	CS 23
CS 25	CS Definitions	CS 27
CS 34		CS 29
CS 36		CS VLA
CS E		CS VLR
CS P		
CS		
APU		

AMC &
Guidance
Material
Part M,
145,66,147

Agency
CS ,
AMC &
GM

Parliament and Council
European Commission
EASA



Regulatory framework: division of competences

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



European Aviation Safety Agency

Regulatory framework: division of competences

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



European Aviation Safety Agency

Regulatory framework: division of competences

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 executive powers

	PL	Ratings, certificates	MC	ATO	FSTD	AeMC	OPS
EASA country	MS	MS	MS	MS	MS ¹	MS	MS
Non- EASA country	MS	MS	MS	EASA	EASA	EASA	EASA

1) EASA, when requested by a MS



➤ II. The EASA Rulemaking procedure



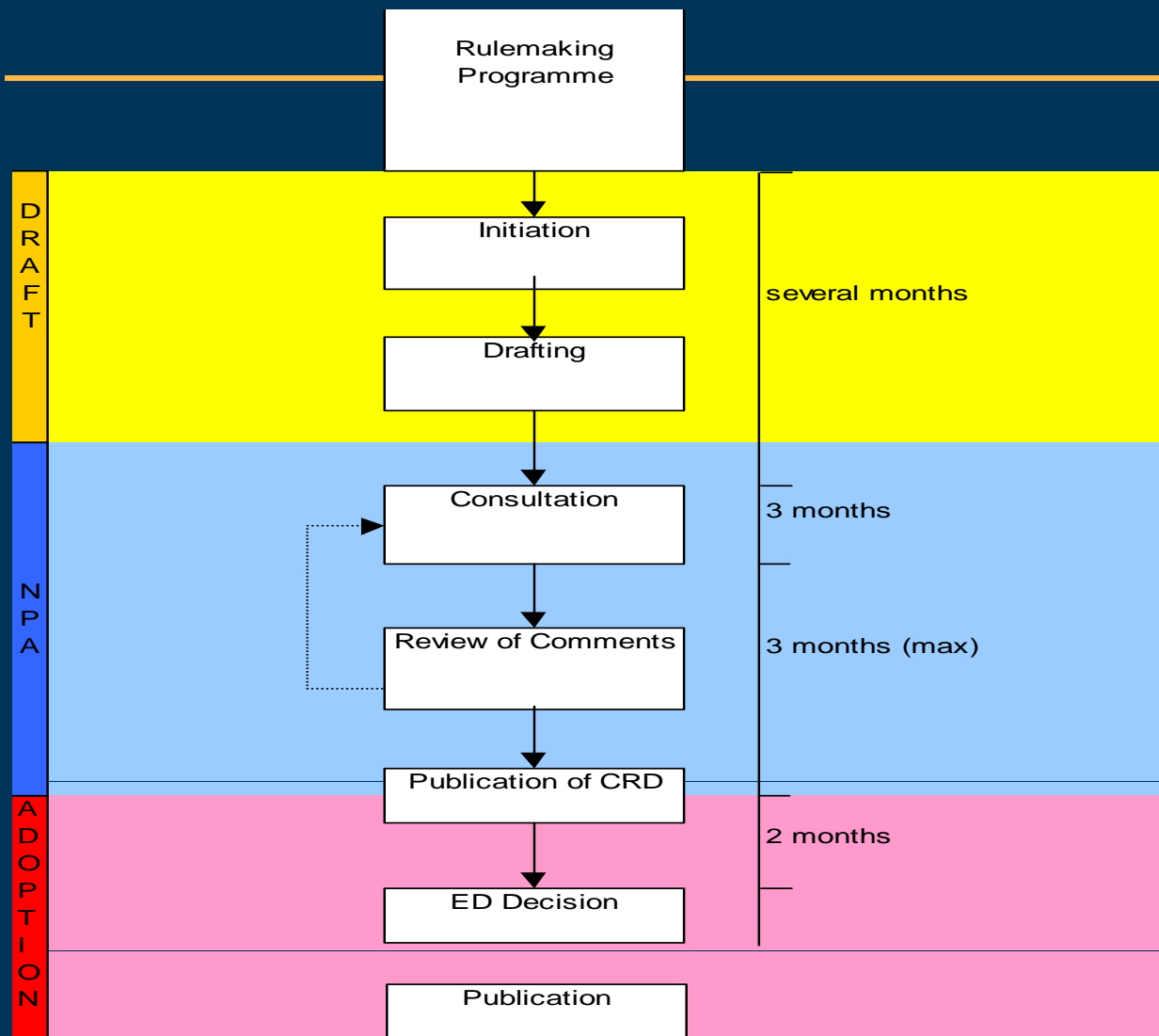
EASA Rulemaking Procedure

- Phase 1: Programming
 - ✦ Annual Rulemaking Programme
 - ✦ Advance Planning

- Phase 2: Processing of rulemaking deliverables
 - ✦ Opinions, Certification specifications, Acceptable Means of Compliance and Guidance material



Rulemaking process flowchart





➤ III. Differences with the JAA system



Differences with the JAA system

For **Rulemaking** :

- As EASA **implementing rules** are binding in their entirety (not minimum standards nor recommended practices), they shall be **less prescriptive** to provide for flexibility (**performance based**).
- To provide for uniformity, **Acceptable Means of Compliance** have to be issued and **deviations** thereto **controlled** by the Agency.
- As a consequence, some rule material included in Sections 1 of JARs was 'downgraded' to AMC.



Differences with the JAA system

For **Rulemaking** (cont.):

- Because the **scope** of the EASA system extends well beyond that of the JAA (ex: JAR-FCL only applies to aeroplanes and helicopters, EASA rules shall cover all other aircraft); and
- Because **drafting principles** of Community law require that a requirement applicable to various persons be set in a single text

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



Differences with the JAA system

For **Rulemaking** (cont.):

- The Agency proposals also contain **differences** in the **drafting style** resulting from the application of EU principles.
- Community legislative acts shall be drafted **clearly, simply** and **precisely**. The drafting of a legislative act must be:
 - ★ clear, easy to understand and unambiguous;
 - ★ simple, concise, containing no unnecessary elements;
 - ★ precise, leaving no uncertainty in the mind of the reader.



Differences with the JAA system

For Member States:

➤ Because of the nature of the EC, Member States **may no more:**

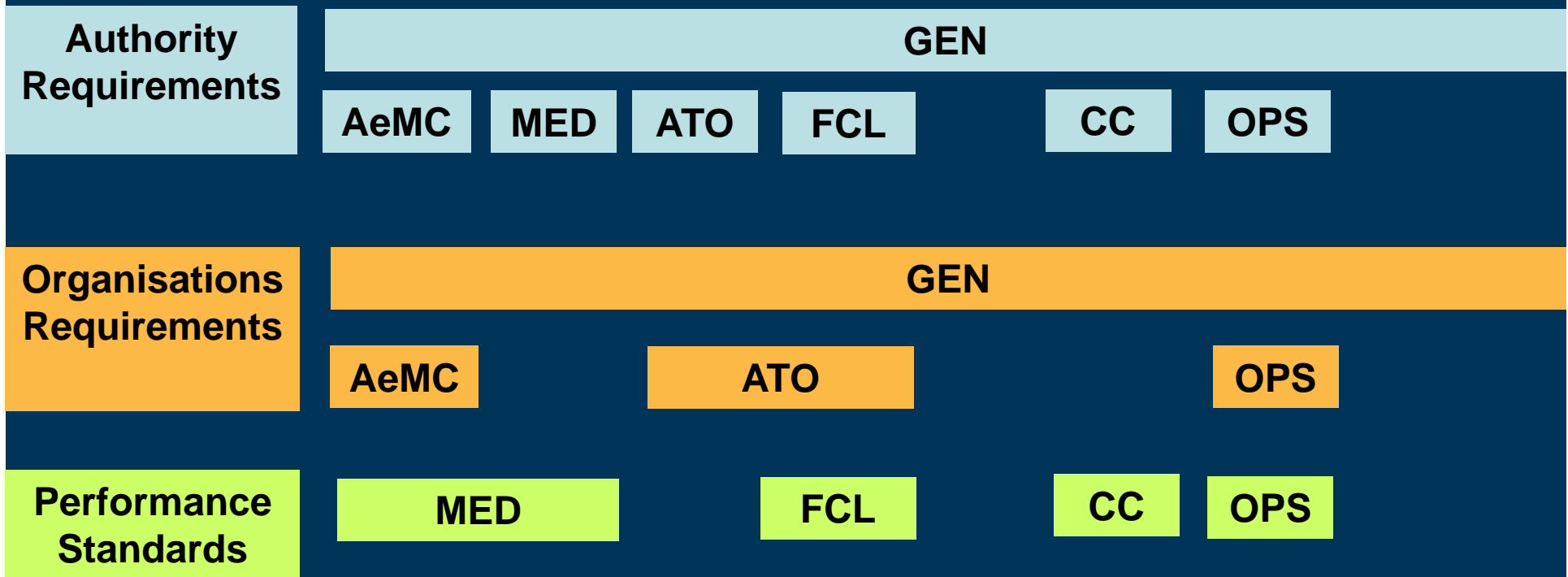
- ★ **deviate from common rules** - except in the case of art. 14 of the Basic Regulation
- ★ **impose additional requirements** - to ensure a level playing field and no discrimination
- ★ **conclude international arrangements with third countries** - transfer of competence produces effects also for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



➤ IV. Structure of future EASA rules

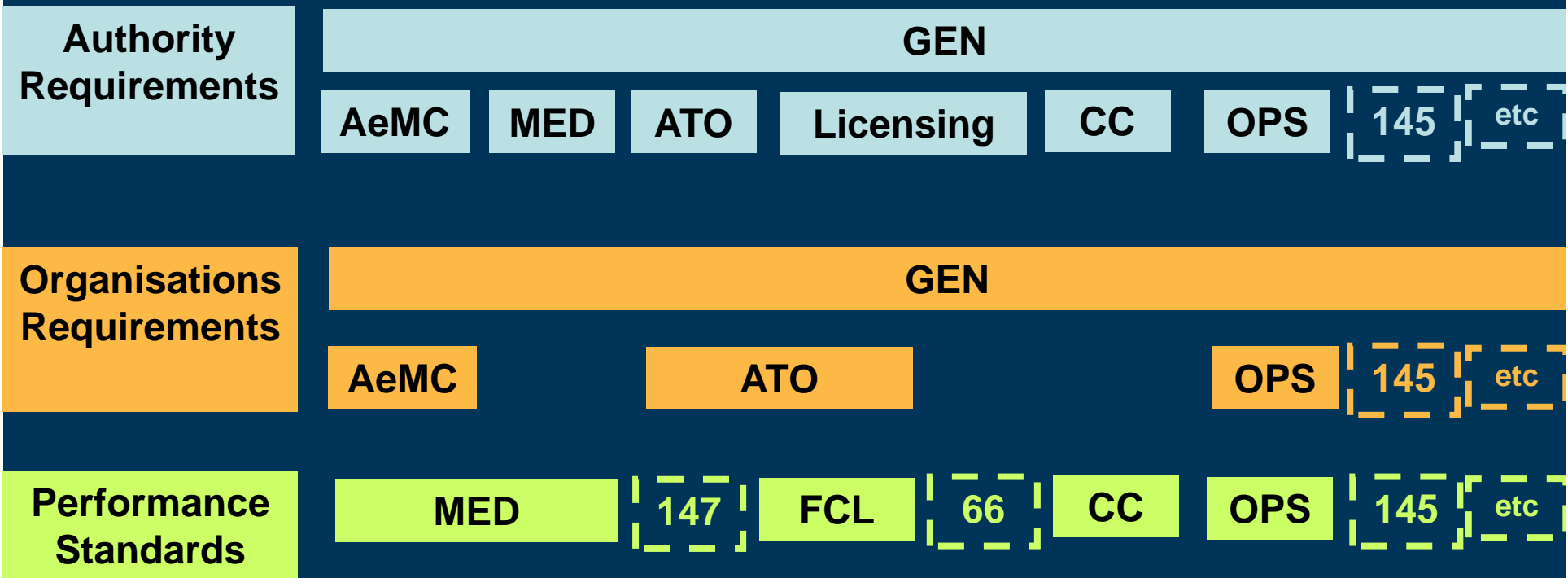


EASA Rule Structure (1st step)





EASA Rule Structure (2nd step)



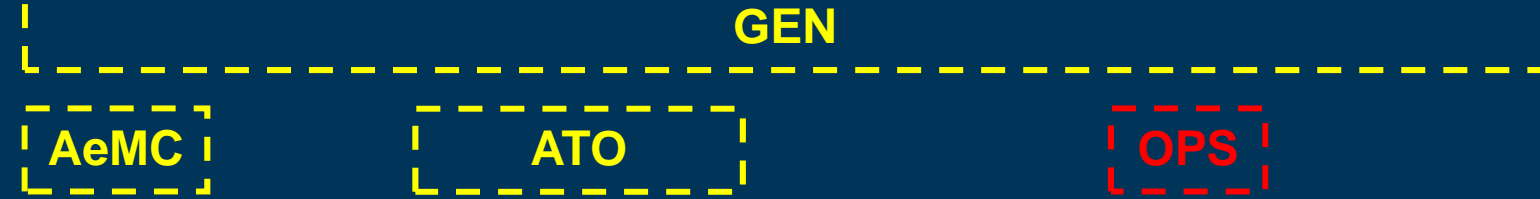


NPA's Structure

Authority Requirements



Organisations Requirements



Performance Standards





NPA Planning

Publication Date	Title	End of Comment Period	Opinion to Commission	Publication Official Journal
<i>05 Jun 2008</i>	<i>Pilot Licensing NPA 2008-17(a)-(c)</i>	<i>15 Dec 2008</i>	<i>Jun 2009</i>	<i>Jan 2010</i>
<i>31 Oct 2008</i>	<i>Organisation & Authority Requirements (general elements and those related to NPA-2008-17)</i>	<i>31 Jan 2009</i>	<i>Jul 2009</i>	<i>Feb 2010</i>
<i>28 Nov 2008</i>	<i>Air Operations; Organisation & Authority Requirements (elements related to air operations)</i>	<i>28 Feb 2009</i>	<i>Aug 2009</i>	<i>Mar 2010</i>
<i>28 Nov 2008</i>	<i>Operational Suitability Certificate</i>	<i>28 Feb 2009</i>	<i>Aug 2009</i>	<i>Mar 2010</i>
<i>15 Dec 2008</i>	<i>Third Country Operators</i>	<i>15 Mar 2009</i>	<i>Aug 2009</i>	<i>Mar 2010</i>



Workshops

Date	Title	Venue
<i>9 – 10 Oct 2008</i>	<i>Management Systems and Authority Requirements</i>	<i>Cologne, Germany</i>
<i>5 – 6 Nov 2008</i>	<i>Air Operations</i>	<i>Cologne, Germany</i>
<i>tentatively: 1-2 Dec 2008</i>	<i>Operational Suitability Certificate</i>	<i>Cologne, Germany</i>
<i>tentatively: 4 Feb 2009</i>	<i>Third Country Operators</i>	<i>Cologne, Germany</i>



The NPA's

➤ The NPA's:

★ **will be published on the Agency's website**

➔ www.easa.europa.eu

➔ **Anyone can comment!**

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

➔ <http://hub.easa.europa.eu/crt/>



**Thank you
for your attention**