

Subject: EASA Operations Rulemaking**Meeting: EASA OPS NPA 2009-02 Conference Mar 10 & 11, 2009****IBAC File: EASA****Reported by: Ray Rohr**

The European Aviation Safety Agency (EASA) held a conference “*From JARs to IRs: Air Operations*” in Cologne, Germany on March 10 & 11, 2009 to brief the aviation industry on NPA 2009-22 and related issues contained in NPA 2008-22. A copy of the Conference program is attached as Appendix A. Also the PowerPoint presentations from the Conference may be downloaded from the EASA web site at http://www.easa.europa.eu/ws_prod/g/g_events.php.

The following are the highlights of the Conference presentations.

1. The EASA System for Operations

- EASA has attempted to create performance based rule that provide flexibility based on the size and complexity of operations.
- The Implementing Rules (IRs) provide a safety objective and the AMCs provide one way, but not the only way of meeting the requirements of the IRs. Guidance material is also provided where it has been deemed appropriate.
- The IRs are binding on organisations/operators and the NAAs. EU Member States cannot add additional requirements.
- Operators can develop alternative means to comply with the requirements of an IR. There is a process for such alternative means to be accepted by the Competent Authority (in most cases NAAs) and approved by EASA. Such alternative means would then be published by EASA and, as such, be made available to all other operators.
- Article 14 of the Basic Regulation can be used to quickly resolve significant safety issues.
- The EASA OPS rules are based on the following:
 - ICAO Annex 6,
 - EU OPS, amendment 2,
 - JAR OPS 1, amendment 13 and TGL 44,
 - JAR ops 3, amendment 5,
 - The drafts of JAR OPS 0, 2 & 4, and
 - JAA amendments that were in an advanced phase of development.
- Other significant issues include:
 - OR.GEN 200 applies to all commercial operators and non-commercial operators of complex motor-powered aircraft. It requires them to have an integrated management system, including an SMS.
 - The management system "*shall correspond to the size, nature and complexity of the activities, and the hazards and associated risks inherent in these activities.*"
 - Part OR and Part AR make reference to and recognize industry standards. The IS-BAO is in the final stages of the process to receive official recognition as an European standard.
- The NPA that will address third country operators is scheduled to be issued in April. It is very much a “stand alone” NPA.
- The Basic Regulation requires that all NAAs and operators, be compliant with the Basic Regulation and IRs by 8 April 2012. That does not preclude IRs becoming effective sooner if they have been fully processed.

- EASA proposes to consider certificates issued in accordance with EU OPS and JAR OPS 3 to be considered as having been issued in accordance with EASA Part OPS, thus, re-certification will not be required. This will also provide operators with some additional time to amend manuals, regulatory references, etc.
- In the case of Air Operator Certificates that were issued based on national regulations that did not include the latest JAR OPS amendments, a gap analysis will be required and appropriate action must be taken.
- EASA is developing an e-tool that will allow users to extract the material that is relevant to their operation from the body of ESA rules. The plan is to have the tool available when the FCL and OPS rules are adopted.
- The following chart identifies the applicability of the various sub-parts of the rules.

Sub-parts of Part OPS and Part OR	Commercial Operator		Non-commercial Operator	
	CAT	COM	CMPA	N-CMPA
OPS.GEN	X	X	X	X
OPS.CAT	X			
OPS.COM		X		
OPS.SPA	X	X	X	X
OR.GEN	X	X	X	
OR.OPS.GEN	X	X	X	
OR.OPS.MLR	X	X	X	
OR.OPS.DEC			X	
OR.OPS.AOC	X	X		
OR.OPS.FC	X	X	X	
OR.OPS.CC	X		X	
OR.OPS.TC	X	X	X	
OR.OPS.FTL	X	X	X	
OR.OPS.SEC	X	X	X	

CAT – Commercial air transport

COM – Commercial operations other than CAT

CMPA – Complex motor-powered aircraft

N-CMPA – Non complex motor-powered aircraft

- The Power Point presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090310 EASA system OPS - DDE.ppt” addresses the EASA system for operations.

2. Part OPS.GEN – General Operating and Flight Rules

- Part OPS. Subpart GEN applies to all aircraft operations – both commercial and non-commercial operations of aeroplanes, helicopters, balloons and gliders.
- Part OPS. Subpart GEN is based on ICAO Annex 6, EU OPS, JAR OPS 3 and the drafts of JAR OPS 0, 2 & 4.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090310 General operating and flight rules - DDE.ppt” addresses Part OPS. Subpart GEN.

3. Part AR.OPS - Authority Requirements

- Part AR establishes the requirements to be followed by Competent Authorities (CAs). In most cases the NAAs are the CAs but the CA may be EASA in some cases. Some of the requirements are in NPA 2008-22b and some in 2009-02d.

- Of special note are the certification procedures and the procedures for receipt of the “declaration” that non-commercial operators of complex motor-powered aircraft must file.
- AR.GEN.350 states that when establishing their program for oversight of operators, CAs should, among other considerations, take into account the operator’s certification according to industry standards.
- Part AR.GEN.020 on page 4 of NPA 2008-22b, contains the Apriority Requirements for AMCs and addresses the processing for alternative means of compliance that have been developed by operators to meet the requirements of an IR. This provision warrants review.
- When the EASA IRs come into effect the SAFA Directive will be cancelled and it will be replaced by the provisions of Part AR.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090310 Part AR-OPS 9.03.09.ppt” addresses Part AR.

4. Part OPS.SPA - Operations Requiring Special Approvals

- Part OPS. Subpart SPA contains the rules, AMCs and guidance material for operator approvals for:
 - RVSM,
 - Performance Based Navigation,
 - MNPS,
 - Low Visibility Operations (includes EVS & HUD),
 - Transportation of Dangerous Goods,
 - Helicopter Operations Without an Assured Safe Forced Landing Capability,
 - Helicopter Operations With Night Vision Imaging Systems,
 - Helicopter Hoist Operations, and
 - Helicopter Emergency Medical Service Operations.
- While most of the approvals are available to non-commercial as well as commercial operators, some will be available only to AOC holders.
- An issue where comments may be appropriate is the requirement specified in OPS.SPA.030.RVSM on page 91 of NPA 2009-02b. It requires a minimum flight crew of two pilots for commercial air transport operations in RVSM airspace.
- Another issue where comments may be appropriate is the number of approaches required by AMC1 OPS.SPA.001LVO(b)(3) on page 400 of NPA 2009-02b, to demonstrate the effectiveness of the aircraft equipment.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090310 OPS.SPA - WSI.ppt” addresses Part OPS. Subpart SPA.

5. Part OPS.CAT – Commercial Air Transport

- Part OPS. Subpart CAT contains the requirements for commercial air transport conducted with aeroplanes, helicopters, balloons and gliders.
- As previously noted, OPS CAT is based on EU OPS and JAR OPS 1 & 3 and JAA NPAs that were in an advanced stage of rulemaking. Material from other sources such as National rules, was added to address issues such as CAT with balloons and gliders.
- The definition of “commercial operations” contained in the Basic Regulation and the ICAO definition of commercial air transport are used.
- All of the provisions of OPS GEN apply to CAT operations unless otherwise specified in the CAT IRs.
- Additional guidance material to supplement the current material on MMELs and MELs will be published in April.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090310 Part OPS CAT- MAR.ppt” addresses Part OPS. Subpart CAT.

6. Part OPS. COM – Commercial Operations other than Commercial Air Transport

- Part OPS. Subpart COM is generally aerial work but it has been expanded to include operations that may fall within the definition of “*commercial operation*” that is contained in the Basic Regulation.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090310 OPS CONF - COM - KEN.ppt” addresses Part OPS. Subpart COM.

7. Part OR. Subpart OPS - Organisation Requirements for Operator

- Part OR. Subpart OPS (NPA 2009-02c) contains the organisational requirements of air operators including:
 - Manuals, logs and records,
 - Air operator declaration (primarily applicable to non-commercial operators of complex motor-powered aircraft),
 - Air operator certification,
 - Flight crew requirements,
 - Cabin crew requirements,
 - Technical Crew member, and
 - Flight time limitations.
- It is recommended that readers carefully review the related explanatory material that is in NPA 2009-02a pages 44 to 49, as well as NPA 2009-02c.
- The Security requirements in Part OR. Subpart OPS relate to the security of the aircraft only.
- For a more complete understanding of Part OR it is also necessary review NPA 2008-22c. It contains the management system (including SMS) requirements, plus the IRs and AMCs on declarations and the use of AMCs and alternative means of compliance.
- The three PowerPoint presentations posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that are labelled “20090311 OR.OPS.GEN+MLR+DEC+AOC - DDE.ppt”, “20090311 OR.FC.TC - WSI.ppt” and “20090310 SEC OPS CONF - KEN.ppt” address Part OR.

8. Flight Time Limitations & Fatigue Risk Management System

- Flight time limitations are contained in Section VIII of Part OR. Subpart OPS. The IRs are on pages 24–32 of NPA 2009-02c, a Certification Specification (CS) for CAT is on pages 33-35 and the AMCs and guidance material are on pages 117-122.
- The Fatigue Risk Management System (FRMS) requirements and related material, is based on material that was developed by the ICAO OPS Panel and is currently progressing through the ICAO approval system.
- An FRMS should be part of the operator’s SMS not a stand alone system.
- EASA will commence a Rulemaking activity later this year to develop additional FTL CSs. EBAA is currently working on a proposed CS for business aviation operations that they will provide to EASA.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled “20090311 FTL - VVA.ppt” addresses FTL & FRMS.

9. Cabin Crew Requirements

- The Cabin Crew requirements are contained in NPA 2009-02e. There are also cabin crew requirements IRs on pages 18 – 23 of NPA 2009c and AMCs on pages 103 – 112. They are based on an interpretation of the Basic Regulation that was been challenged by a number of the Conference attendees.
- The IRs include the requirement for cabin crew engaged in CAT to hold an “attestation” (of initial training) and an assessment of medical fitness, which in reality, is a licence by a different name.

The cabin crew in non-commercial operations do not need to hold an "attestation" but need to have a medical assessment and meet the specified training requirements.

- While cabin crew are not required in aircraft with a maximum seating configuration of 19 or less, whenever cabin crew are assigned they must meet the specified requirements.
- The PowerPoint presentation posted at http://www.easa.europa.eu/ws_prod/g/g_events.php that is labelled "20090311 Cabin Crew Reqs - BLE.ppt" addresses cabin crew requirements.

10. Summary

- There are a number of issues in each of the two NPAs that will have a significant impact on business aviation. NPA 2008-09, which addresses Authority and Organisation requirements, was published on 31 October 2008 and the comment period closes on 15 April 2009. Therefore, comments must be developed on an urgent basis. Comments have been solicited from EBAA members but to date none have been received.
- NPA 2009-22 was published on 30 January 2009 and the comment period is scheduled to close on 30 May 2009. Given the volume and complexity of the NPA, it will be a major task to develop quality comments by that date.

Implication for Business Aviation:

This is a very important ongoing project that is very significant for business aviation in Europe. Even though business aviation representatives are fully engaged in the regulatory development process, the business aviation community must participate in the development of a response to the EASA OPS NPAs.

Decisions Required: Nil at this time.

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Appendix A – Conference Programme



European Aviation Safety Agency

Programme

EASA NPA OPS Conference
From JARs to IRs: Air Operations
10-11 March 2009, Cologne

Tuesday, 10 March 2009

as of 8:00	Registration
9:00 – 9:15	Opening of Conference <i>Speaker: Jules Kneepkens</i>
9:15 – 10:15	The EASA System for Operations Content: NPA Air Operations <i>Speaker: Daniela Defossar</i>
10:15 – 10:45	Coffee Break
10:45 – 12:00	Part OPS.GEN – General Operating and Flight Rules <i>Speaker: Daniela Defossar</i>
12:00 – 13:00	Lunch Break
13:00 – 14:00	Part AR.OPS - Authority Requirements <i>Speaker: Arthur Beckand</i>
14:00 – 15:00	Part OPS.SPA - Operations Requiring Special Approvals <i>Speaker: Willy Sigl</i>
15:00 – 15:30	Coffee Break
15:30 – 16:45	Part OPS.CAT – Commercial Air Transport <i>Speaker: Maria Algar Ruiz</i>
16:45 – 17:30	Part OPS.COM – Commercial Operations other than Commercial Air Transport <i>Speaker: Ken Engelstad</i>

Wednesday, 11 March 2008

9:00 – 10:00	Part OR.OPS - Organisation Requirements for Operators – 1 st Session Contents: Manuals, Logs & Records, Certification & Declaration <i>Speaker: Daniela Defossar</i>
10:00 – 10:30	Coffee Break
10:30 – 11:30	Part OR.OPS – Organisation Requirements for Operators – 2 nd Session Contents: Personnel & Training, Security <i>Speaker: Willy Sigl & Ken Engelstad</i>
11:30 – 12:15	General Question and Answers
12:15 – 13:15	Lunch Break
13:15 – 14:15	Flight Time Limitations & Fatigue Risk Management System <i>Speaker: Virgilijus Valentukevicius</i>
14:15 – 14:45	Coffee Break
14:45 – 15:45	Cabin Crew Requirements <i>Speaker: Betty Lecouturier</i>
15:45 – 17:30	General Questions and Answers & Open Discussion

Please note: All presentations held will be made available on the Agency's website under "Events" (http://www.easa.europa.eu/ws_prod/g/g_events.php) after the conference.