

IBAC TECHNICAL REPORT SUMMARY

Subject: JAA Aerial Work and General Aviation Steering Group/JAA Helicopter Steering Group

Meeting: AWGAS/HSC Plenary 03.1, Gatwick, UK, November 18 – 20, 2003.

IBAC File: JAA/EASA

Reported by: Ray Rohr

Summary:

IBAC was invited to attend the subject meeting at Aviation House, Gatwick, UK. It was called to consider the Comment Response Document that had been prepared following the publication of A-NPA OPS-33 for JAR-OPS 0, 2 & 4 and develop a recommendation for the disposition of the three proposed regulations.

The meeting reviewed that draft Comment Response Document, made minor changes and agreed that it would recommend to the JAA Operations Sectorial Team (OST) that the proposed revisions be made to JAR-OPS 0, 2 & 4 and then they be published as a NPA.

The industry response to the A-NPA that was coordinated by IBAC can be found at on the IBAC web site at http://www.ibac.org/Library/ElectF/saft/safety_management.htm.

A more detailed report of the meeting is attached.

Implications for Business Aviation:

The proposed JAR-OPS 0 & 2 could be promulgated in the 2005 time frame. The current concept requires that corporate aviation operators that have an operating base in Europe would have to become JAR-OPS 2 compliant and file a registration with the national civil aviation authority attesting that they are JAR-OPS 2 compliant. The IS-BAO - an International Standard for Business Aviation Operations essentially meets the requirements of JAR-OPS 0 & 2, so it may be possible that one way an operator could demonstrate compliance with JAR-OPS 0 & 2 is to be registered as being in conformance with IS-BAO.

Decision Required

Continued support of the regulatory philosophy and comments contained in the July 18, 2003 submission to the JAA on A-NPA OPS-33.

IBAC Technical Report - AWGAS/HSC Plenary 03.1

Subject: JAA Aerial Work and General Aviation Steering Group/JAA Helicopter Steering Group

Date: November 18 – 20, 2003.

Representatives:

IBAC

- Ray Rohr

IBAC Member Associations

- BAUA – John Batty
- EBAA - Heinz Lichius
- IBAA – Marco Rosati

Introduction:

After a number of years in the development process the Advance Notice of Proposed Amendment (A-NPA) for JAR-OPS 0, 2 & 4 was issued in May 2003. IBAC convened a meeting of member associations in Paris on July 23 & 24, 2003 to undertake a comprehensive review of the A-NPA. Following that meeting a response was developed in conjunction with the involved IBAC member association. That response was submitted to the JAA on July 18, 2003. The response document can be found on the IBAC web site at: http://www.ibac.org/Library/ElectF/saft/safety_management.htm.

The JAR-OPS 0, 2 & 4 Drafting Committee met in Paris on October 22 – 24, 2003 to draft a Comment Response Document and identify issues that required further consideration. IBAC was invited to send a representative to that meeting and Ray Rohr, Standards Manager, attended. At that meeting, the comments to the A-NPA that had been received were reviewed and consensus was achieved on the responses to the comments. The one dissenting voice to several of the comment responses was the Italian civil aviation authority representative. He objected to performance based rules instead of firm prescriptive standards, to operator registration rather than certification and generally wanted the provisions in JAR-OPS to be similar to JAR-OPS 1. None of the other participants in the meeting supported his position.

One of the issues that was identified as needing further consideration was the issue of replacing the requirements for Quality Systems and for Flight Safety and Accident Prevention Programs in JAR-OPS 2 with the requirement for operators to have a Safety Management System (SMS). A Working Group was struck to study this issue. Ray Rohr was appointed as Chair of that Working Group and was tasked to provide an action plan to the Nov. 18 – 20 meeting.

Agenda

The agenda for the meeting was as follows:

- Introductions
- Election of Chair
- Scope of this Meeting
- Reports From the Working Groups
 - Drafting Group
 - SMS Working Group
- A-NPA Comments / Responses
- Future Work

- Other Business
- Next Meetings

Attendees

The meeting was attended by 25 people. There were representatives from a number of JAA member civil aviation authorities including the UK, France, Italy, Portugal, Sweden, Norway, Denmark and Finland plus representatives from a number of aviation associations.

Comment Response Document

The Comment Response Document that the Drafting Group had developed was reviewed and consensus reached on the comments. Again the Italian civil aviation authority (ENAC) representative was the lone dissenting voice. His dissents were the same as had been made in the Drafting Group. Appendix 1 contains the ENAC position paper.

SMS Working Group Report

The SMS Working Group reported that they had met and reviewed the scope and applicability of Quality Systems, Flight Safety and Accident Prevention Programs and Safety Management Systems to the target population. They had concluded that safety management systems incorporated the key elements of the other two programs and were more suitable to corporate operations and aerial work. They had further agreed to develop draft regulatory wording and guidance material that could be the basis of an ACJ to JAR-OPS 2 & 4.

Future Work

A number of issues were identified that require further consideration. They included:

1. Quality systems/SMS a recommendation for the regulations to be included in JAR-OPS 2 & 4 and associated ACJ material.
2. Differentiate between corporate and minor business populations: minor business operations in JAR-OPS 0 and in JAR-OPS 2 where there is complexity and a need for an organization.
3. Subpart J Working Group chaired by GAMTA + 2 or 3 from Weight and Balance Working Group.
4. Presentation of Codes of Practice for OST.
5. In JAR-OPS 0 'Commander' to be replaced by 'Pilot-in-command'. Work also at 'Operator' in same context.
6. Review Swedish accident data to apply lessons to JAR-OPS 0 & 2.
7. Personnel → process (2.180 ish).
8. Flight and duty time regulations? (*)
9. (M)MEL and equipment requirement → discussion with appropriate committees (JL). recommendations to OST. Joint w/g (IBAC/EQSC +1).
10. Subpart E to reflect industry's comments (discuss with AWOC)(#).
11. Resolve terminology and requirement for carriage of tech and journey log.
12. Subparts Q on JAR-OPS 0, 2 & 4 (make objective)(*).
13. Review 2.180 & 2.185 to consider simplifying into a single text (DB + JL)(combine with 5.7).

14. Clarify status and recognition of CoPs, JIPs - guidance to States e.g. how does registration work etc.
15. Develop required JIP.
16. Review security requirement for JAR-OPS 2.
17. Ops Specs admin and guidance material needed.

Processes were developed to address the issues. These included several Working Groups in which IBAC will participate.

It was also agreed by consensus that the AWGAS/HSC should meet with the OST and recommend a course of action to bring the draft JAR-OPS 0, 2 & 4 to completion consistent with the basic regulatory philosophy that was contained in the A-NPA. To achieve that, work will be undertaken to refine the regulations as noted in the Comment Response Document along with the recommendations developed by the Working Groups and the other agreed processes. These revisions would be considered by an AWGAS/HSC meeting in the April time frame with a goal of publication of a NPA by October 2004.

Discussion and Conclusions

With the exception of the ENAC representative all of the AWGAS/HSC participants agree that the structure of JAR-OPS 0, 2 & 4 and regulatory philosophy upon which they are based is appropriate for the nature of operations that they address. The ENAC position is a basic philosophical difference. It would appear that the crux of their philosophy is that the civil aviation authority is responsible for the safety of air operations, whereas the philosophy of JAR-OPS 0, 2 & 4 is to make the PIC and/or operator, responsible for safety within an objective regulatory framework. This appears to be manifested by the ENAC position that JAR-OPS 2 should be similar to JAR-OPS 1 and that certification of corporate operators is more appropriate than registration. This basic philosophical difference leads to a number of other points that were not accepted by the other AWGAS/HSC members.

Therefore it is recommended that IBAC and the Italian Business Aviation Association (IBAA) discuss with ENAC the demonstrated safety benefits that have been achieved through objective regulation and industry/regulator partnerships in the management of aviation safety.

Appendix 1 – ENAC Position Paper

Gatwick 2003 November 18/19/20 JAA AWGAS-HSC MEETING

ENAC POSITION ABOUT THE FOLLOWING MAJOR ISSUES

1. STRUCTURE OF JAR-OPS 0/2/4
2. LEVEL OF REGULATORY SAFETY
3. APPLICABILITY
4. REGISTRATION vs CERTIFICATION
5. OBJECTIVE REQUIREMENTS
6. SUBPARTS “K” AND “L” TEXT
7. RISK ASSESSMENT
8. CODE OF PRACTICE

1) STRUCTURE OF JAR-OPS 0/2/4

JAR-OPS 0 should be applicable to “General Aviation” (both National and International);

“International Operations” appendixes should be embedded in JAR-OPS 0 text;

Appendixes to JAR-OPS 0, containing alleviation for “National General Aviation” (limited for example to small aircraft) should be added;

JAR-OPS 4 (Aerial Work) could either
contain an appendix with Aerial Work alleviations

or

become a stand alone rule for “aerial work operations” after being populated with appropriate requirements taken from JAR-OPS 0.

2) LEVEL OF REGULATORY SAFETY

Level of regulatory safety for “Corporate Operations” should be closer to JAR-OPS 1/3 level (for example for “performance requirements”);

3) APPLICABILITY

JAR-OPS 0.001(a)(2) and JAR-OPS 2.001(a)(2) should be modified to reflect the following principles:

JAR-OPS 0 and 2 should apply to Operator having their principal place of business in a JAA member state;

other operators may be eligible for being certificated under JAR-OPS 0/2 (provided the following provision);

operations with aircraft not registered in a JAA member state should be subject to written agreement between Authorities.

Appendix 1 – ENAC Position Paper

4) REGISTRATION vs CERTIFICATION

Due to Authorities responsibilities, a common JAA standard to establish a safety oversight by the Authorities should be provided;

- special operations approvals (CAT II, RVSM, etc.) are always requested, so Operators procedures, equipment and training should be assessed by the Authorities;
- due to the “objective requirement” oriented rule, most of the Operator standards are defined in the Operations Manual. For this reason, in order to permit an Authority to be informed on how an Operator is going to conduct operations, an evaluations of Operations Manual (or part of it) is needed.
- the above considerations lead to consider a form of “certification” the best solution.

5) OBJECTIVE REQUIREMENTS

Parts of the text of JAR-OPS 0/2/4 are very general and therefore should be supported by guidance material.

6) SUBPARTS “K” AND “L” TEXT

ICAO SARPS are addressed to the Authorities in order to allow them to develop specific requirements. In Subparts K and L often ICAO text is reported. When necessary, the text should be changed in order to be consistent to JAR-OPS 1/3 and to provide the Operators means of compliance.

7) RISK ASSESSMENT

Guidance material should be provided in order to give acceptable means of compliance and assistance to the Operators

8) CODE OF PRACTICE

With reference to “code of practice”, the following items should be clarified:

- Status
- Acceptance procedures
- Publications procedures
 - Timing of publications with respect of the rule (the date of publications of both the rule and the code of practice should be the same).