

Subject: EASA Operations Rulemaking

Meeting: OPS.001 Rulemaking Group Meeting Apr. 15 & 16, 2008

File: EASA

Reported by: Ray Rohr

The OPS.001 Rulemaking Group met on April 15 & 16, 2008 to do a general review of the second draft of the EASA OPS rules Parts and to discuss specific outstanding issues. The [agenda of the meeting is attached as Appendix A](#)

The structure of the new draft rules has been considerably simplified from the structure that was used for the November 2007 draft. The Rulemaking Group supported the new structure. It is as follows:

Part - General

Contains the general operations rules that apply to all aircraft operations.

Part - Management Systems (MS)

Contains the rules regarding:

- management systems including SMS & Quality,
- the specific operator requirements and those relating to the certification of commercial operations and the declaration process for non-commercial operations on complex motor powered aircraft,
- flight crew, cabin crew and technical crew member requirements (including training),
- flight time limitations,
- manuals logs and records, and
- security.

Part - Commercial Air Transport (CAT)

Contains the specific rules for commercial air transport from EU OPS.

Part - Commercial Operations other than CAT

Contains the specific rules for commercial operations other than commercial air transport including those related to aerial work.

Part - Operations Requiring Special Approvals

Contains the specific rules for operations requiring special approvals including:

- PBN/MNPS
- RVSM
- Low visibility operations (Cat II & Cat III)
- 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.

There was considerable discussion regarding the timing for the Rulemaking Group to review the draft rules and for publishing of the NPAs. It was agreed that since the draft rules on:

- Authority Requirements,
- Flight Time Limitations, and

- Cabin Crew Requirements,

have not been completed, the Rulemaking Group would request a one month extension of the publication dates of the Management Systems and OPS NPAs. The MS NPS is currently scheduled for publication in May and the OPS NPA for June. It is anticipated that the extension of the MS NPA until June and the OPS NPA until July will be approved.

The meeting draft decision record is attached as Appendix B.

Interested parties are encouraged to attend the EASA Rules Workshop that is being held on May 22, 2008 at EBACE. The EASA Rulemaking Director and some of his senior staff will be participating in the Workshop.

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 be prepared to respond to the EASA Notices of Proposed Amendment (NPAs) when they are published.

Decisions Required:

Nil at this time.

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Attachments:

Appendix A - Meeting Agenda

Appendix A – Meeting Agenda**European Aviation Safety Agency**

TASK OPS.001 RULEMAKING GROUP

CORE GROUP

15-17/04/2008

08:30 H-16.00 H

ROOM 06/17

PROPOSED AGENDA

1. Election of chairman
2. Adoption of minutes of 20-22/11/2007 meeting
3. Presentation of structure and new drafts incl. NPA publication time schedule
4. General items of discussion
 - A to A flights (RBO / TAL)
 - Fractional ownership (TAL)
 - Training flights (JTP)
 - Development of EASA regulatory extracts to targeted communities (JTP)
5. Items of discussion OPS
 - O₂ requirements
 - Exemption altitude alerting system
 - Public address system helicopters
 - Crash axes
 - Communication requirement CAT helicopters
 - Performance
 - GEN.A.320 Take-off requirements - to observe accelerate stop distances for aircraft that are not certified to be able to continue a take-off on one engine (JTP)
 - Aerodrome minima - landing mass approval of the authority; circling - visual reference
 - MAPSC
 - CAT - non pre-surveyed sites
 - Operating minima HEMS (short periods)
 - HEMS AOC approval
6. Items of discussion MS
 - Non-commercial cabin crew: check vs. assessment
 - AMC 1 MS.B.001(a)(8) Quality systems for small organisations - requirement for external auditors and how to deal with one man organisations (JTP)
7. AOB

European Aviation Safety Agency

TASK OPS.001 RULEMAKING GROUP

MEETING MINUTES OF

15-16/04/2008, 08.30 H – 16:30 H

EASA PREMISES COLOGNE

Attendees:

Thierry Allain (TAL), DGAC France
Ragnar Boge (RBO), CAA Sweden
Douglas Carr (DCA), GAMA
Inger-Helene Enger (IHE), ETF
Michel Gaubert (MGA), Eurocopter
Joel Hencks (JHE), EAS
Pekka Henttu (PHE), AEA
Louis Hucher (LHU), Dassault
Jacob T. Pedersen (JTP), IAOPA
Ray Rohr (RRO), EBAA
Mark Wilson (MWI), ECOGAS
Stefan Wolf (SWO), ECA
Maria Algar Ruiz (MAR), EASA Rulemaking Officer
Daniela Defossar (DDE), EASA Rulemaking Officer
Herbert Meyer (HME), EASA Rulemaking Officer
Bas van der Weide (BVW), EASA Rulemaking Officer
Matthias Borgmeier (MBO), EASA Rulemaking Officer (temporarily)
Luis Cardoso Ribeiro (LCR), EASA Rulemaking Officer (temporarily)
Ivan-David Nicolas (IDN), EASA Rulemaking Officer (temporarily)
Eric Sivel (ESI), Deputy Director Rulemaking (temporarily)

1. DDE opened the meeting and welcomed all participants.
2. The agenda was adopted without further changes.
3. The group did not elect a new chairman as there were no candidates.
4. The minutes of the November meeting were adopted with some changes.
5. ESI briefed the group on several meetings EASA had with NAAs and stakeholders as regards the NPA publication schedule. FCL is considered to be mature for public consultation but EASA has been asked to postpone the NPA publication for OPS, MS and AR. As regards 21.039, the group will reconvene to finish its work.
ESI affirmed that EASA would be ready to postpone but recalls that the new BR gives a maximum transition of 4 years only. This may not be problematic for CAT operators but perhaps for the community

where new European legislation is established such as general aviation and aerial work.

6. ESI asked group members to be careful when disseminating the draft documents to experts outside the group. These are drafts and not the final documents for NPA publication. As much as EASA understands that group members consult other experts on certain issues, it should be ensured that the distribution of documents is accompanied by information on the state of play.
7. ESI explained that EASA envisages developing a website tool that would produce "customised regulation handbooks" applicable to a particular operation. The tool would allow selecting certain criteria relevant for a given operation and, following this selection, create a handbook with all the implementing rules and AMC/GM. This "handbook" is considered for information only. The official legal reference is still the BR, IRs and AMC/GM as published in the OJ or on the EASA website.
JTP stated that such a tool would meet the requests of general aviation stakeholders who initially asked for separate regulations per aircraft category.
8. ESI informed the group that EASA is also considering to create panel of experts in its Standardisation Directorate to discuss implementation problems, to review alternative AMCs sent to EASA by MS following the new AMC process and to review standardisation visit findings in case of disagreement between the standardisation team and a MS.
9. TAL questioned the IR structure highlighting that there should be different regulations per aircraft category even if that would mean to repeat large parts of the regulation. In addition, TAL opined that one organisation regulation does not fit all organisations and that there should be separate regulations for small and large organisations. TAL also requested that the explanatory note of the NPAs should encompass a description why EU-OPS/JAR-OPS 1 section 1 material was downgraded to AMC/GM. ESI stated that all these issues had been discussed in the past and explained the reasons for the new concept and change, among them legal certainty, regulation of all air operations and not just CAT, JAA Consistency of Organisation Approvals (CoRA) and its objective to harmonise organisation approvals, the ICAO SMS approach and, consequently, the shift to performance based rulemaking.
10. TAL asked EASA to reconsider the NPA publication schedule as EU-OPS will become applicable around the same time EASA intends to publish the OPS and MS NPAs. He also stated that if the NPA is not translated in all languages, DGAC would need more time during the consultation to translate the texts for general aviation stakeholders. TAL emphasised that from now on he supports a constructive way of working and that it is therefore inevitable to reconsider the schedule.

MWI stated that associations and authorities have an important role to play during the consultation process. They should use their influence to achieve a structured approach in commenting as well as to act as messengers and facilitators towards their members/stakeholders. By doing this, the consultation period can be used efficiently and does not need to be extended too long as this time would be lost for the transition afterwards. It was considered that a 4 month consultation period would serve that purpose.

MGA and PHE stated that the quality of the NPA documents is very important. Having in mind the size of the package and the objective of consistent regulations, a postponement of the NPA publication as well as a consultation period of 4 months was supported.

11. DDE presented the amended structure and explained the new paragraph numbering system. She explained that all comments were inserted in a CRD. The responses were added while amending the drafts in parallel. DDE highlighted that the CRDs should be considered as working documents and were created to ensure transparency and to track changes.

Some group members stated that the abbreviation "COM" for commercial operations other than CAT could be confused with other terms that commonly use the abbreviation "COM". It should therefore be changed.

PHE stated that the applicability of certain paragraphs to aeroplane or helicopter is not clear and that therefore the requirements are not understood. DDE asked PHE to identify the paragraphs so that they can be reviewed.

12. TAL asked whether EASA had considered a declaration for A to A flights. DDE responded that this has been examined and will be subject to a RIA but that a declaration for these operations is not envisaged. DDE confirmed that EU-OPS is transposed which fully applies to A to A flights. Nevertheless, EASA will conduct further reviews of the implementing rules in view of their proportionality. TAL responded that he does not agree with the certification of operators conducting A to A flights.

JHE expressed concerns that regulating A to A flights as CAT does not meet the safety concerns. He stated that the community will probably find ways to circumvent the certification requirement, e.g. club membership, which cannot be the intention.

RRO proposed to consider these flights as additional privileges of training schools.

13. TAL stated that the Agency does not take into account the Council discussions on the need to certify certain operations, especially fractional ownership. DDE responded that this was extensively discussed by the non-commercial subgroup and was part of the debriefing to the core group. The subgroup concluded that a certification of management organisations should not be envisaged. The issue will as well be subject to a RIA.

14. The group had a brief discussion on principal place of business. DDE presented the paragraphs that are included in Part MS and explained that this follows the approach of EASA Opinion 5/2006.
15. As regards training flights, BVW informed the group that a review of the requirements still needs to be conducted. DDE informed the group of the FCL.001 core group decision to amend the PPL privileges to include PPL instruction or examination against remuneration.
16. TAL opined that the cover regulations should be part of the consultation. He highlighted that it is even more important in view of the transition measures. DDE responded that the principles and content of the cover regulations will be part of the explanatory notes of the NPAs.
17. TAL stated that the transfer of ICAO standards in AMC material is not acceptable as AMC is only one means of compliance. HME responded that ICAO requires the transposition into the national/EU legal framework without asking for a particular level of law as this depends on the scheme of the State. Moreover, alternative means of compliance can still be published by EASA and used by stakeholders as long as it is made clear that they are non compliant with ICAO.
18. Responding to a question by MGA, BVW confirmed that the EHAC proposals as presented last year to the core group will be considered as new RM proposals and not be part of the initial IRs.
19. Regarding the OPS regulation, the following items were discussed:
 - One group member put forward a comment to make the tables on the amount of oxygen presently in CAT.445 applicable to general aviation. It was discussed that it is guidance material in ICAO Annex 6 II only and that the tables should therefore remain in CAT. AMC or GM could be introduced in Part GEN referring to Part CAT.
 - MAR asked if the exemption in CAT.A.461 Altitude alerting system should be kept. It was agreed that the impact is difficult to evaluate and that this should become a future RM task. The exemption should be kept for the initial IRs.
 - SWO raised concerns on AMC GEN.470 within the CAT AMC on crash axes located in the passenger compartment. He stated that this is a security issue and not satisfactorily regulated for CAT as regards accessibility. It was finally agreed that this could be dealt with by the operator and that there should be no change to the text.
 - CAT.505 (b) Crew member interphone system should also be applicable to aerial work and therefore be transferred to Part GEN.
 - CAT.506 (b) Helicopter public address system: The words "when" [in flight] and "and intelligible" should be added. The paragraph should also be reviewed if transferred correctly from JAR-OPS 3.695 (c).

- MAR highlighted that JAR-OPS.3.865 (f) seems to be a MEL item and is therefore not transposed. RBO was asked to check if it is covered in TGL 26 MEL policy. If this is not the case, it should be included there.
- DDE/BVW explained the new concept for performance. After review of the requirements in Parts GEN and CAT, it was decided that:
 - JTP proposes a re-draft of GEN.A.320 and EASA reviews the title of GEN.A.320 as it doesn't match the content (commercial ops);
 - LHU re-drafts the second sentence of GEN.A.330 and proposes some examples for the associated GM; and
 - EASA reverses the order of paragraphs CAT.316 and CAT.317.
- GM 1A GEN.150 (c) and (d) lower landing mass: In paragraph 2.a, the approval should be replaced by provisions for SOP in the OM. The GM should become AMC.
- GM 3A GEN.150 (c) and (d) visual reference: Paragraph 4.e.i. is unclear. The issue could not be resolved. BVW will contact the JAA AWOSG for clarification.
- The group discussed the approval process of the Maximum approved passenger seating configuration (MAPSC) for commercial operators. It was agreed that MAPSC should be renamed into Maximum passenger seating configuration (MPSC), a definition be provided and the operator be required to put the MPSC in the OM. The group also agreed that changes to the MPSC should be considered as minor changes. Equipment requirements will be changed accordingly. EASA was asked to check whether the seating configuration is stated in the CofA.
- HEMS.015 Operating minima allows lower visibilities for short periods. The group was asked to provide comments to specify "short periods".
- The group concluded after a short discussion that a CAT approval is prerequisite for HEMS.
- CAT.H.434 Radio altimeters: MGA asked whether the capabilities could be AMC. BVW responded that this is linked to a new RM task and needs probably further review.
- OPS cover regulation: Article air operation, paragraph (d) "and" should be changed to "or". It is suggested to draft a second paragraph that addresses private aerial work as the present wording is not clear.
- Noise abatement procedure: GM.165 should be more clear that it is one but not the only example. It should be transferred to CAT AMC.
- GEN.140 Rotor engagement, the sentence should be reversed.
- JTP asked the group to consider if AMC GEN.205 Fuel planning applicable for CAT could also be made applicable for complex motor-powered aircraft. It requires less reserve fuel for jet engine aircraft compared to the AMC in Part GEN. DDE answered that this is not envisaged, since CAT operators have been certified to use these procedures, and therefore have other mitigating procedures in place through their management

system. The current requirements in Part GEN are also ICAO compliant. Nevertheless, DDE invited the group to comment on JTPs proposal.

- AMC CAT.145 Use of aerodromes/operating sites: The group is asked to review the text to make it applicable for all aircraft.

20. Regarding the MS regulation, the following items were discussed:

- LCR briefed the group on the work that had been done. He stated that provisions for the handling of alternative AMCs by the applicant will be added.
- MS.B.001 (a) "procedures" should be replaced by "process".
- The group discussed if "hazards and associated risks" in MS.B.001 (b) could be deleted as they are included in the criteria of paragraph (a). It was agreed to take the previous wording of MS.A.035 for (b).
- AMC MS.B.001 (b) 2. size of the organisation, page 21: Type of operation and contracting should be added. "Employees" should be replaced by FTE, accompanied by GM giving explanation of FTE.
- AMC 3 MS.B.001(a)(3): The "quality system" for small operators should be reviewed and changed into "compliance monitoring".
- MS.B.005: Text of general AMC and operations AMC should be harmonised.
- AMC MS.B.005: The approval for non-commercial operations should be reviewed.
- MS.B.020: It is not clear which activity records shall be kept for 5 years. The paragraph should be redrafted to state what needs to be kept. Specific provisions could also be included in the operations section.
- MS.C.001: The title should be changed to operator certificate instead of commercial certificate. The paragraph should be reworded as follows: "...contain: 1. ..., 2. OM...".
- MS.C.010 (c): Special approvals should be included. As regards paragraph (d), GM on ground staff, eg staff with support function, should be provided.
- AMC MS.C.015 (g) minor/major changes should be hooked on to the administrative requirements of certificate holders. PHE opined that the change of operational control should not be considered a major change. This was supported by TAL. The Agency objected as it considers this being part of the core organisation of a certificate holder. Nevertheless, EASA agreed to review the item.
- AMC MS.C.015 Content of the OM should encompass a sentence that the information can also be included in the organisations manual or other manuals and does not need to be duplicated.
- MS.C.100: It was clarified that commercial operations do not need to submit a declaration for non-revenue flights. The text should be reviewed for clarification.
- MS.C.200 should be redrafted to refer to FDM only as the safety programme is already part of the general MS.
- GM MS.C.210 (a): point 7 should be transferred to the general part. "As applicable" should be added to point 2(ii)(A). Point 5

- should be redrafted to hold a current instructor rating "as appropriate".
- MS.C.450 (a) should be redrafted as it is too stringent for the crewing of inexperienced flight crews.
 - MS.C.700: TAL stated that the assessment by a GP should be reconsidered. BVW responded that this has been transferred from JAR-OPS 3 and therefore no change is envisaged.
 - MS.C.910/915 should be redrafted for consistency reasons.
 - MS.C.920 MEL should include transition measures such as "if MMEL available". LHU raised the issue of extension of rectification intervals for non-commercial operations. The group agreed that the non-commercial operator needs to go through an approval process as commercial operators.
 - DDE clarified that according to the ER, cabin crew working in a non-commercial environment needs to be checked as well. An assessment will not suffice.
21. TAL raised the question of leasing, aircraft to be used in CAT (CofA) and registration: For the latter it was agreed that it is not an issue anymore. As regards, leasing and CofA, DDE responded that discussions within EASA are not finalised yet.
Post meeting note: The issue was discussed internally and Art. 4 of the BR together with the applicable provisions in Part-21 and Part-M and the recast of 2407 are considered sufficient.
22. The group finally discussed the deadlines for comments and a postponement of the NPAs. The group accepted RBO proposal to draft a letter on behalf of the group within the next week to the EASA RM Director to postpone deadline for comments to the end of May and consequently to postpone OPS, MS and AR NPA publication to the end of August.
23. No further meeting dates were fixed. For the time being, exchange by e-mail correspondence seems sufficient. Depending on the outcome of this group consultation, one further meeting may be scheduled.
24. The meeting ended on the 2nd day.

Action List

	Task	responsible	timeframe	status
1.	Reconsider denomination "COM"	Agency	asap	o
2.	Review CAT.445 and provide AMC/GM in Part GEN	MAR	asap	o
3.	Create new RM task to	Agency	asap	o

	review equipment exemptions			
4.	Transfer CAT.505 (b) to Part GEN and make it also applicable to AW	MAR	asap	o
5.	Review CAT.506 (b) if correctly transferred from JAR-OPS 3	MAR	asap	o
6.	Check if JAR-OPS.3.865 (f) is addressed in TGL 26	RBO	asap	o
7.	Redraft GEN.A.320	JTP	asap	o
8.	Review title GEN.A.320 after redraft	Agency	asap	o
9.	Redraft second sentence of GEN.A.330 and proposes some examples for associated GM	LHU	asap	o
10.	Reverse order of CAT.316 and CAT.317	Agency	asap	o
11.	GM 1A GEN.150 (c) and (d) subparagraph 2.a: replace approval by provisions for SOP in the OM. GM to become AMC.	Agency	asap	o
12.	GM 3A GEN.150 (c) and (d) subparagraph 4.e.i. unclear. Contact JAA AWOSG for clarification.	BVW	asap	o
13.	Rename MAPSC into MPSC and provide definition and associated obligations for the operator to state it in the OM (minor change). Change equipment requirements accordingly. Check if seating configuration is considered in CofA.	MAR	asap	o
14.	HEMS operating minima: specify short periods	Group members	asap	o
15.	OPS CR paragraph (d): change "and" to "or" and draft second paragraph to address private aerial work	Agency	asap	o
16.	GEN.140: reverse sentence	BVW	asap	o
17.	Comment if AMC GEN.205 fuel planning within CAT should be made	Group members	asap	o

	applicable to complex aircraft as well			
18.	Review AMC CAT.145 to be applicable for all aircraft	Group members	asap	o
19.	MS.B.001 (a) replace "procedures" by "process"	LCR	asap	o
20.	Change MS.B.001 (b) back to previous wording of MS.A.035	LCR	asap	o
21.	AMC MS.B.001 (b) 2., page 21: add type of operation and contracting; change employees to FTE; provide GM with explanation of FTE	Agency	asap	o
22.	AMC 3 MS.B.001(a)(3): change "quality system" for small operators into "compliance monitoring"	Agency	asap	o
23.	MS.B.005: harmonise text of general AMC and operations AMC	Agency	asap	o
24.	AMC MS.B.005: review approval for non-commercial operations	Agency	asap	o
25.	MS.B.020 specify the records to be retained	Agency	asap	o
26.	MS.C.001: change title to operator certificate; reword paragraph to read: "...contain: 1. ..., 2. OM...".	Agency	asap	o
27.	MS.C.010 (c): include special approvals; paragraph (d); develop GM on ground staff, eg staff with support function	Agency	asap	o
28.	AMC MS.C.015 (g) minor/major changes: hook on to administrative requirements of certificate holders; reconsider operational control as major change	Agency	asap	o
29.	AMC MS.C.015 content of OM: include sentence that the information can also be available in the	Agency	asap	o

	organisations manual or other manuals and does not need to be duplicated			
30.	MS.C.100: review text to clarify that it is not applicable to non-revenue flights	Agency	asap	o
31.	MS.C.200 refer to FDM only	Agency	asap	o
32.	GM MS.C.210 (a) point 7: transfer to general part; point 2(ii)(A) add "as applicable"; redraft point 5 to hold a current instructor rating "as appropriate"	Agency	asap	o
33.	MS.C.450 (a) redraft for crewing of inexperienced flight crew	Agency	asap	o
34.	MS.C.910/915 redraft to make it consist	Agency	asap	o
35.	MS.C.920 MEL: include transition measures (no MMEL available); extension of rectification intervals for non-commercial operations: introduce approval process	MAR	asap	o
36.	Draft letter to EASA RM Director to postpone deadline for comments to the end of May and to postpone OPS, MS, AR NPA publication to the end of August	RBO	end of week 17	c

DDE
30/04/08