Subject: EASA Operations Rulemaking

Meeting: OPS.001 Rulemaking Group and Non-Commercial Operations Sub-Group meetings November 28 & 29, 2006
File: EASA
Reported by: Ray Rohr

Summary:

The second meeting of the Non-Commercial Operations with Complex Motor-Powered Aircraft Sub-Group focused on a review of the draft transposition of JAR OPS 2 into EASA OPS 2 that Ray Rohr and the EASA Secretariat had prepared and the identification of issues that would require further work. The Sub-Group also reviewed and accepted the Work Plan that had been prepared prior to the meeting. A copy of the draft meeting minutes are linked to this report.

Due to a weather problem and a cancelled airline flight I was not able to attend the meeting in person but participated via conference call during the course of the meeting.

The next Sub-Group meeting is on December 12 & 13.

Implication for Business Aviation:

This is a very important ongoing project.

Decisions Required:

Nil at this time.

Work Plan
OPS 2 – Non-Commercial Operations with Complex Motor-Powered Aircraft

Number	Activity	OPI	2006		2007									Status 28/11/06
			Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
WP1	**Work Plan development**													
	a. Start	Ray/Daniela	07											First draft
	b. Provide first draft to Sub-Group	Daniela	23											Complete
	c. Review initial draft	All	28											Complete
	d. Finalize	All		12										
	e. Present to Core Group	Ray		13										
	Pre-development Work													
PD 1	Transpose JAR OPS 2													
	a. Transpose JAR – Ops 2 into OPS2 framework	Ray/Daniela	22											Complete
	b. Provide draft to Sub-Group	Daniela	23											Complete
	c. Review & discuss draft to identify issues and work that needs to be done.	All	29											Complete
	d. Compile first draft of list of issues that need to be coordinated with other sub-groups and Groups.	All	29											Complete
	e. Obtain agreement on structure and numbering		29	13										
	f. Pass to Core Group for concurrence on structure and numbering			13										
PD 2	Ray Rohr presentation on IS-BAO and discuss possible application as an industry standard.	Ray	28	13										
PD 3	Initiate coordination with Authorities Sub-Group to develop a plan to jointly address SMS issues	Daniela/Ray	29											Complete
	Development Work													
Dev 1	Coordination between Sub-Groups & Groups													
	a. Mature list of issues where coordination is required and designate OPIs	All		13										
	b. Develop work plan for required coordination	Ray/Daniela			10									
	c. Coordinate as per work plan	As identified						15						
Dev 2	Develop table of Concordance with Annex 6 Part II													
	a. Assign tasks to Sub-Group members	All		13										

Work Plan
OPS 2 – Non-Commercial Operations with Complex Motor-Powered Aircraft

Number	Activity	OPI	2006		2007									Status 28/11/06
			Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
	b. Prepare table and review to ensure completeness and consistency	All			10									
	c. Review with MDM.032 as per Dev 1.b	TBA						15						
Dev 3	Develop SMS AMC and related material													
	a. Joint task with Authorities Sub-Group and others as required as commenced in PD 3.	TBA					14							
Dev 4	Develop OPS 2 rules													
	a. Add in provisions as required from Tasks Dev 1, 2 & 3							15						
	b. Review with other sub-Groups and Groups													
									15					
Dev 5	Develop AMC material													
	a. Identify provisions where AMC material should be provided	All					14							
	b. Identify and review AMC material	All						15						
	c. integrate AMC material into OPS 2	All							15					
	d. Present to Core Group for review.								15					
	e. Revise as required									15				
	f. Complete AMC material										15			
Dev 6	RIA development													
	a. Identify issues that must be addressed in RIA.								15					
	b. Develop RIA								15					
	c. Present to Core Group for review								15					
	d. Revise as required									15				
	e. Complete AMC material										15			
Comp 1	Complete OPS 2													
	a. Assemble the package										20			
	b. Conduct final review											15		
	c. Revise as required												15	

European Aviation Safety Agency

TASK OPS.001 RULEMAKING GROUP

SUBGROUP NON-COMMERCIAL OPERATIONS
WITH COMPLEX MOTOR-POWERED AIRCRAFT

MEETING MINUTES OF

28 NOVEMBER 2006, 09.30 H – 18.00 H

29 NOVEMBER 2006, 09.30 H – 15:30 H

EASA PREMISES, COLOGNE

Attendees:
Karl Brady (KBR), ECA
Douglas Carr (DCA), GAMA
Mike Hamlin (MHA), ECOGAS
Josef Maurer (JMA), ETF
Dick Nederlof (DNE), CAA Netherlands (29/11/2006)
Geoff Parker (GPA), UK CAA
Jacob T. Pedersen (JTP), IAOPA
Daniela Defossar (DDE), EASA Rulemaking Officer

Excused:
Ray Rohr (RRO), EBAA

1. DDE opened the meeting and welcomed all participants. She informed the group on the apologies received from RRO. She brought forward the request from Mario Moura, Chairman of the OPS.001 core group, to JTP to act as interim chairman for this meeting. JTP accepted the request. He asked all participants to present themselves as there were new group participants.

2. The agenda was changed as follows:

   1. Adoption of Agenda

   2. Review of minutes of 9 November 2006 meeting

   3. Review of Transposition of JAR OPS 2

   4. Review of Work Plan

   5. Identification of Issues, Work to be done and coordination required with other Sub-Groups and Groups

   6. AOB

The presentation from RRO on IS-BAO had been postponed to the next meeting in December.

3. The group had a conference call with RRO to exchange information and discuss the work for the next two days. The following issues were discussed:

– RRO to distribute copy of ICAO Annex 6 Part II proposal. ICAO is expected to publish this proposal as State Letter by the end of November.

– In addition to IS-BAO other industry standards in this field. DCA asked DDE to put the NBAA (National Business Aviation Association of the US) Management Guide on circa. It includes a series of good practices.

– The positive accident record of non-commercial operations with complex motor-powered aircraft. The group agreed to take this into account when developing Part OPS 2. It was emphasised that the regulation needs to be appropriate to the size and scale of operation.

4. The group adopted the full group meeting minutes from the 9 November morning meeting without changes. The subgroup meeting minutes from the 9 November afternoon meeting were adopted without changes.

5. The group discussed fractional ownership aspects and considered a separate subpart with additional requirements for fractional ownership operations. DCA offered a presentation on FAR 91K and on the discussions when drafting the proposal of ICAO Annex 6 II regarding fractional ownership for the January meeting. DCA briefly explained the structure of FAR 91: FAR 91 is the general operating rule, FAR 91 Subpart F applies to complex aircraft and FAR 91 Subpart K to fractional ownership.

6. DDE gave a short briefing on industry standards mentioning the EU New and Global Approach (new approach to product regulation and global approach to conformity assessment) and the use of standards in EASA regulatory activities.

7. The group reviewed Chapter 8 of the essential requirements of the Commission proposal to remind itself of the provisions to be taken into account for the implementing rule. The applicable implementing rules for paragraph 8.d. security programme may need to be subject to a RIA as group discussions showed some uncertainty on the level of detail.

8. The group reviewed the working paper ver. 1.1 that included draft JAR-OPS 2 and its explanatory note together with comments and proposals by RRO and DDE for further review, transfer, development or deletion of paragraphs for Part OPS 2. The following issues were discussed in more detail and need to be addressed further:

– MEL: The group discussed the development and approval of a MEL when no MMEL is available. DDE confirmed that in the future every complex motor-powered aircraft will have a MMEL. The issue therefore affects only older aircraft.

– Additional crew members: The group finally stated that the operator decides on who is a crew member. The requirement needs to be drafted.

- Ditching: It is not clear what this paragraph regulates. Needs further review.
- Aircraft Technical Log: Part-M requires a technical log for CAT only. It needs to be checked if the ICAO SARPs require a Tech Log for complex aircraft. The paragraph needs to be reviewed further.
- Leasing: Group members commented that other forms of exchange of aircraft should also be considered. Otherwise the paragraph may be deleted. Needs further review.
- Declaration: The group touched upon the value of such declaration. It was said that the operator has to comply with the requirements by law anyhow. The group furthermore discussed the need to renew such declaration, the need to carry a copy of the declaration on board an aircraft and the possible content of such declaration. DDE stated that the requirements are linked to certain oversight and should be addressed together with the authority subgroup.
- Approvals for specific operations: DDE was requested to check the ICAO SARPs.
- Mass and Balance: The group questioned the actual weighing interval of 4 years and its application to all aircraft types. It furthermore discussed if the future rule should encompass a generic requirement to establish a system and procedure for the determination of mass or specific requirements on the determination of operating items, crew and fuel load. DDE asked group member to study the impact of the two options in order to come to a conclusion at the next meeting.

9. The following issues were identified for discussion with the authority subgroup:
- Draft JAR-OPS 2 provisions on quality assurance programme, accident prevention and flight safety programme and the new concept of SMS;
- Power to inspect and implications from the new Art. 7 of the Basic Regulation;
- Extent and content of the Declaration.

10. The following issues will be put forward to the core group for consideration and coordination:
- Paragraph on applicability within the Part;
- Duplication of requirements in the essential requirements and implementing rules. DDE explained that implementing rules (IR) specify the essential requirements (ER) in setting standards on how to comply with them. ER are therefore not repeated in the IR. Group members expressed the view that the requirements should be in one "book" for ease of reference.

11. For the next meeting, the group decided to review JAR-OPS 1 Subparts to identify subsequent changes that may need to be considered for Part OPS 2. The task was shared as follows:
- Subparts B, D - GPA
- Subparts K, L - DCA
- Subparts M, P, S - DDE
- Subpart N - JTP

– Subpart O of JAR-OPS 1 and EU-OPS - JMA

ACTION LIST

No.	Meeting No. / Date	Task	Resp.	Timeframe	Status
1.	1 09/11/06	Presentation on IS-BAO	RRO	Meeting ~~2~~ ~~3~~ ~~28-29/11/06~~ 12-13/12/06	o
2.	1 09/11/06	Circulate meeting documentation of last meeting of the ECAC Task Force on fractional ownership	DDE	asap	c
3.	1 09/11/06	Put link to FAR 91 Subpart K on circa website	DDE	asap	c
4.	1 09/11/06	Prepare WP on the basis of JAR-OPS 0 and 2	RRO+ DDE	Meeting 2 28-29/11/2006	c
5.	2 28-29/11/06	Distribute copy of ICAO Annex 6 Part II proposal	RRO	asap	c
6.	2 28-29/11/06	NBAA Management Guide to be put on circa	DDE	asap	c
7.	2 28-29/11/06	Presentation on FAR 91K and on ICAO discussions when drafting the proposal Annex 6 II regarding fractional ownership	DCA	Meeting 4 9-10/01/2006	o
8.	2 28-29/11/06	Check ICAO SARPs for approval requirements	DDE	asap	c
9.	2 28-29/11/06	Conduct RIA on requirements regarding determination of mass	Group	Meeting 3 12-13/12/2006	o
10.	2 28-29/11/06	Review JAR-OPS 1 Subparts	GPA, DCA, DDE, JTP, JMA	Meeting 3 12-13/12/2006	o

DDE
04/12/2006