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ETF/EASA

Reference Handbook

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Introduction

The ETF EASA strategy is to be involved at the highest possible level within EASA to influence the opinion and outcome of stakeholders at the relevant EASA meetings, so that the rules and regulations reflect the opinion of the ETF members. Our mission is to ensure that the rules and regulations are representative of our views protecting member's safety and interests and to ensure commercial interests don't drive these regulations.

The purpose of this ETF/EASA reference handbook is to provide ETF affiliates with information about EASA, its structure, Rule Making Process and Procedures and the involvement of Stakeholders, for example ETF.

This handbook is part of our goals and objectives in achieving our ETF strategy as the information is the prerequisite to influence the Regulations and the Decisions on safety taken by the EU decision-makers.

Thank you to Nikki Jones who produced this reference document for ETF, I am sure you will find this handbook informative and useful enabling a better understanding of EASA. Every effort will be made to keep this document up to date.

François Balletero
ETF Political Secretary

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1) Remit and Responsibilities of EASA

EASA - The European Aviation Safety Agency promotes the highest common standards of safety and environmental protection in civil aviation in Europe and worldwide. It is the centrepiece of a new regulatory system which provides for a single European market in the aviation industry.

Remit

The Basic Regulation (EC) No 216/2008 was implemented 8th April 2008 across all member states. The reason for its implementation was to have a total system approach in aviation.



Aims of the Basic Regulation:

- To eliminate risk of safety gaps and overlaps
- Seek to avoid conflicting requirements and confused responsibility
- To streamline the certification process
- Have a level playing field
- To apply the regulation in a standardised manner and adopt best practise
- Ensure the essential safety elements are captured in the Implementing Rules

Responsibilities

- Assist with expert advice to the EU for drafting new legislation
- To implement and monitor safety rules, including inspections in the Member States
- Type-certification of aircraft and components, as well as the approval of organisations involved in the design, manufacture and maintenance of aeronautical products
- Authorisation of third-country (non EU) operators
- To carry out safety analysis and research
- **In October 2009 the Agency became responsible for safety regulations regarding airports and air traffic management systems.**

2) The Scope of Competence

The Basic Regulation establishes Community competence for the regulation of the airworthiness and environmental compatibility of aeronautical products, parts and appliances, pilot licensing, air operations and third country aircraft. Since October 2009, the scope of the Basic Regulation has also been extended to the safety regulation of airport operations and air traffic control services.



3) EASA Rulemaking Process

1	Determination and approval of Rulemaking programme	6 - 24 Months
2	Initiation of the rule by defining the Terms Of Reference	
3	The drafting of the rule	
4	Consultation phase	3 Months
5	Comments and review period	3 Months
6	Adoption and publication	2 Months

Explanation of each stage of the process

1) Determination and approval of Rulemaking programme

The agency receives new Rulemaking proposals on continual bases. If a proposal is accepted after initial review a Pre-RIA (Preliminary Regulatory Impact Assessment) is prepared by the Rulemaking Officer. The Pre-RIA answers the following questions:

- Is Rulemaking required?
- Which task should be next on the Rulemaking Programme once there is capacity available taking into account existing tasks, obligations and commitments.

The agency has a 4 year Rulemaking Programme with input from both AGNA - Advisory Group of National Authorities and the SSCC - Safety Standards Consultative Committee.

2) Initiation of the rule by defining the Terms of Reference

Invitation is sent out to all stakeholders including AGNA and the SSCC for any relevant information or documentation that maybe required for the Rulemaking task, an example of this was the Moebus Report for the FTL (Flight Time Limitations) Rulemaking group.

Important, if the relevant documents are not included at this point they cannot be used in the Rulemaking Group.

At this point nominations from stakeholders with knowledge and expertise on the proposed Rulemaking Task are sort for the creation of the Rulemaking Group.

Stakeholders involved include Trade Unions e.g. ETF/ECA, Operators, Aerodromes/Airports, ATM, Manufactures, Professionals.

3) The Drafting of the rule

The nominated members of the Rulemaking Group attend meetings (usually in Cologne) to work with EASA on the drafting of the rule. Relevant documents are discussed, as stated in the TOR and if required experts can be brought in so scientific and medical evaluations can be carried out.

The number of meetings held will depend upon the complexity of the task.

4) Consultation phase

Once the Rule has been drafted EASA issue the NPA (Notice of Proposed Amendment), for public consultation. The consultation is for a period of 3 months and is open to anyone who would like to make comments. Comments are submitted via the CRT (Comment Response Tool) on the EASA website.

Once the consultation phase is closed EASA will collate the comments and potentially make amendments to the draft rule proposed in the NPA. Subject to the responses EASA may reconvene further Rulemaking Group meetings to discuss potential changes to the draft rule. The NPA and comments are issued on the EASA website.

5) Comments and review period

EASA issue the CRD (Comment Response Document), for public consultation. The consultation is for a period of 3 months and is open to anyone who would like to make further comments. Comments are submitted via the CRT (Comment Response Tool) on the EASA website. This is a draft of the rule including any amendments that were made in response to the NPA (Notice of Proposed Amendment) comments and any further Rulemaking Group meetings.

Once the consultation phase is closed EASA will collate the comments and potentially make amendments to the draft rule proposed in the CRD. Subject to the responses EASA may reconvene further Rulemaking Group meetings to discuss potential changes to the draft rule. The CRD and comments are issued on the EASA website.

6) Adoption and publication

EASA issue an Agency Opinion to the European Commission for adoption. The decision-making process continues outside of EASA's remit. The responsibility now lies with the European Commission. The decision for adoption or further amendment of the rule will be taken in the comitology procedure.

What is an Opinion?

An Opinion is a draft of legislation which is sent to the European Commission. It is further processed either by the European legislator (The Council of Ministers and the European Parliament) or the European Commission before the legislation can be enacted and published in the Official Journal of the European Union. Opinions are issued in the case of amendments to the EASA Basic Regulation and its Implementing Rules, or when new Implementing Rules are being established.

What is the Comitology procedure?

Under the Treaty the European Commission is responsible for the required implementation of Community legislation in many areas. When exercising these delegated powers it is often obliged to work with national civil servants appointed by Member States in different committees. These committees, which are a forum for discussions and the voicing of opinions, are chaired by the European Commission. For the implementation of Regulation (EC) No 216/2008 (the Basic Regulation, BR) the European Commission is assisted by the EASA committee and the Single European Sky committee. Another committee of importance as regards aviation safety is the Air Safety committee, which is best known for being the guardian of the so called 'Safety list' as provided by Directive 2004/36/CE of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports.

The procedures which govern the work of these committees follow the standard procedures established in Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

It replaces Decision 1999/468/EC. This Regulation introduces a new 'comitology' procedure, which gives somewhat amended rights to Member States to control the way the Commission uses its delegated powers. The powers conferred to the European Parliament have been reduced slightly by the new Regulation and an Appeal's Committee has been introduced in case no agreement can be reached in the committee.

4) Rule Making Procedure

a) Hard Law

Implementing Rules (IR)

b) Soft Law

Certification Specification (CS)

Acceptable Means of Compliance (AMC)

Guidance Material (GM)

The Agency shall, where appropriate:

Issue opinions addressed to the Commission, this becomes the Implementing Rules (Hard Law).

Issue certification specifications (CS), including airworthiness codes and acceptable means of compliance (AMC), as well as any guidance material (GM) for the application of this Regulation and its implementing rules (Soft Law)

Hard Law are European Regulations, Implementing Rules (IR) binding on all Member States. Implementing Rules (IR) are essential safety elements.

Soft Law are EASA decisions (Certification specifications, Acceptable Means of Compliance and Guidance Material) for the application of EU law.

Agency Decisions do not constitute mandatory requirements; they provide details in order to support implementation of the requirements published in the related regulations (**IR-hard law**). A Decision can be a Certification Specification (CS), an Acceptable Means of Compliance (AMC), or Guidance Material (GM) to an implementing rule. These items aim to assist in the implementation of the law and they are frequently

referred to as 'soft law'. However, with regard to CS, certificates shall be issued and maintained if they are complied with. Regarding AMC, these provide a means for complying with the rule and, at the same time, allow for flexibility in the way of compliance, alternative means of compliance (AltMoC) can be proposed. GM are supportive documents to the rule texts.

5) Derogation and Deviation

Derogations are applied for by the Member State to the European Commission on the Implementing Rules (IR), hard law, this involves a political process which can be lengthy.

The notification sent by the Member State shall include at least:

- a. the requirements for which the Member State intends to grant a derogation;
- b. the reason(s) demonstrating the need to derogate;
- c. the identification of the product, part, appliance, person or organisation to which the derogation applies, including a description of the type of operation or activity concerned;
- d. the conditions that the Member State has put in place to ensure that an equivalent level of protection is achieved; and
- e. an assessment and evidence demonstrating that an equivalent level of protection is ensured.

Derogation is a provision in an EU legislative measure which allows for all or part of the legal measure to be applied differently, or not at all, to individuals, groups or organisations. The option to derogate is often granted to Member States and also to the social partners. In this context, derogation is not a provision excluding application of the legal measure: it is a choice given to allow for greater flexibility in the application of the law, enabling Member States or social partners to take into account special circumstances.

Derogations are applied for by the Member State to EASA on Certification Specification (CS) and Acceptable Means of Compliance (AMC), soft law. EASA when considering a request to deviate from CS and AMC must consider scientific and medical studies and have 1 month to complete this process.

Article 14.6 of the Basic Regulation (EC) No 216/2008

This allows flexibility provisions (derogations).

6. Where an equivalent level of protection to that attained by the application of the rules implementing this Regulation can be achieved by other means, Member States may, without

discrimination on grounds of nationality, grant an approval derogating from those implementing rules.

In such cases, the Member State concerned shall notify the Agency and the Commission that it intends to grant such an approval, and shall give reasons demonstrating the need to derogate from the rule concerned, as well as the conditions laid down to ensure that an equivalent level of protection is achieved.

6) EASA Bodies

a) EASA Management Board

The EASA Management Board brings together representatives of the Member States and the European Commission. The Management Board is responsible for the definition of the Agency's priorities, the establishment of the budget and for monitoring the Agency's operation.

b) EAB (EASA Advisory Board)

The EASA Advisory Board (EAB) assists the Management Board in its work. It comprises of organisations representing aviation personnel, manufacturers, commercial and general aviation operators, maintenance industry, training organisations and air sports. **ETF is a member of this Board**

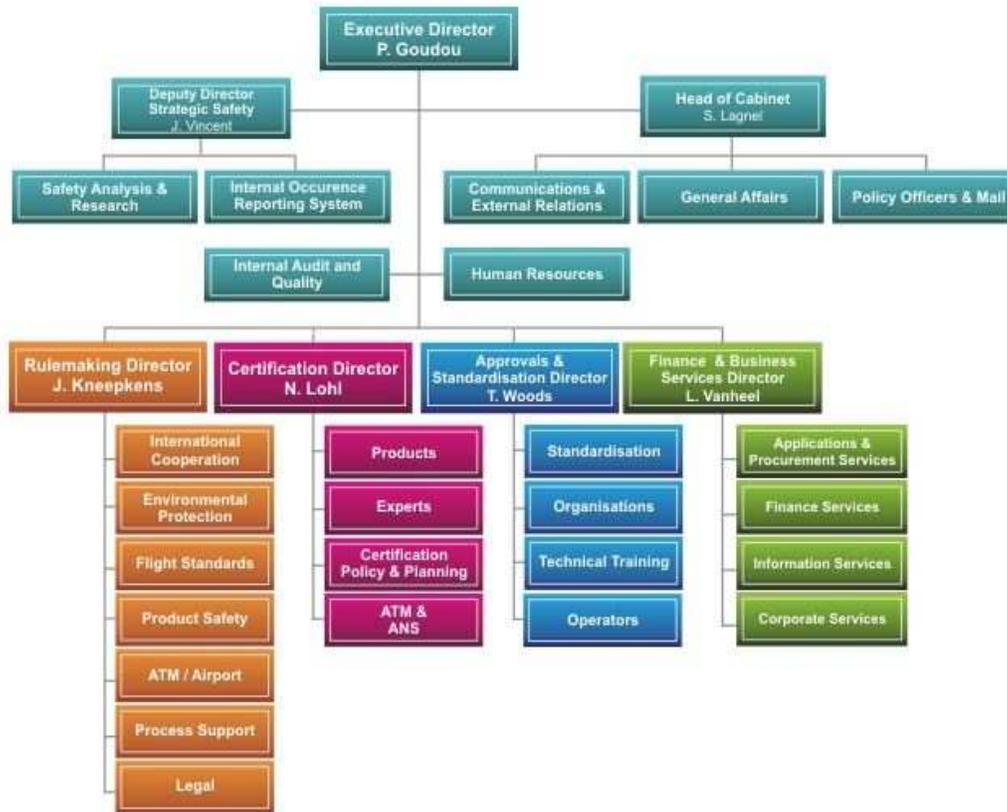
c) SSCC (Safety Standards Consultative Committee)

The Safety Standards Consultative Committee (SSCC) is made up of representatives of people and organisations directly subject to the Basic Regulation, the implementing rules, certification specifications or guidance material, without discrimination on the basis of nationality. ETF is a member of this consultative body.

d) AGNA (Advisory Group of National Authorities)

The Advisory Group of National Authorities (AGNA), made up of one person per Member State, provides a mechanism for the involvement of national authorities in the rulemaking process.

EASA Organisation Structure



7) Regulatory Oversight

The European Community Safety Assessment of Foreign Aircraft (SAFA) programme was established by the European Commission (EC), the European Aviation Safety Agency (EASA) has roles and responsibilities within this programme.

Each EU Member State and those States who have entered into a specific 'SAFA' Working Arrangement with EASA and third country aircraft may be inspected. These inspections follow a procedure common to all Member States. If an inspection identifies significant irregularities, these will be taken up with the airline and the overseeing authority. Where irregularities have an immediate impact on safety, inspectors can demand corrective action before they allow the aircraft to leave.

The 42 Member States engaged in the EC SAFA Programme are: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Georgia, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, Ukraine.

All reported data from the inspections is stored centrally in a computerised data base set up by EASA. The information held within this database is reviewed and analysed by EASA on a regular basis. The European Commission and Member States are informed of any potentially safety hazards identified.

The implementation of the Basic Regulation and its implementing regulations by Member States is subject to the European Union oversight. According to Article 54 of the Basic Regulation - Inspections of Member States - the Agency (EASA) shall assist the Commission in monitoring such implementation by conducting standardisation inspections. Upon the standardisation inspection the Agency establishes an inspection report where it addresses findings identified during the inspection and which will be sent to the Member State concerned and to the Commission. In cases of non-compliance, the Commission may initiate an infringement procedure.

The Agency' responsibilities were further extended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009. The provisions of the Regulation ensure precise, uniform and binding rules for aerodrome operations and operators, air traffic management and air navigation service provision. Moreover, based on the new ATM/ANS rules the Agency will commence its standardisation inspections in ATM/ANS from 2012 onwards aiming at ensuring a uniform implementation of the common rules but also at reinforcing the national competent authorities in their important oversight role.. With the extension to ATM/ANS, the Agency is empowered to take the necessary measures related to certification and oversight of Pan-European and third country ATM/ANS organisations, as well as for the air traffic controllers' training organisations located outside the territory of the Community. These new competences taken on by the EASA system allow a more comprehensive and uniform approach to safety regulation across all fields of aviation and ensure that common safety rules are applied in all phases of flight, starting from the tarmac.

EASA provide a Whistleblowing procedure, individuals can report breaches of safety regulations by their Operator or NAA via e-mail or letter with supporting documentary evidence to the Agency. These will be dealt with in strict confidence.

8) Acronyms frequently used at the European Aviation Safety Agency

A

ABIP: Advisory Body of Interested Parties
a/c: Aircraft
AD: Airworthiness Directive
ADO: Approved Design Organisation
AGNA: Advisory Group of National Authorities
a/l: airline
ALT: Altitude
AMC: Acceptable Means of Compliance
A-NPA: Advance Notice of Proposed Amendment
AMO: Approved Maintenance Organisation
AMOSS: Airline Maintenance and Operation Support System
AMT: Approved Maintenance Training
AOC: Air Operator Certificate
A/P: Autopilot
APO: Approved Production Organisation
APU: Auxiliary Power Unit
ARC: Airworthiness Review Certificate
ASL: above sea level
ATC: Air Traffic Control
ATM: Air Traffic Management
AWO: All Weather Operations

B

BEA: Bureau d'Enquêtes Accidents (French equivalent of NTSB)
BR: Basic Regulation

C

CAME: Continuous Airworthiness Maintenance Exposition
CF: Certification
CJAA: Central Joint Aviation Authorities
CofA: Certificate of Airworthiness
COM: (European) Commission
CRD: Comment Response Document
CRI: Certification Review Item
CRS: Certificate of Release to Service
CS: Certification Specification
CSP: Certification Standardisation Panel

D

db: decibel (acoustic measurement unit)
DG TREN: Directorate-General for Energy and Transport (European Commission)
DOA: Design Organisation Approval
DOE: Design Organisation Exposition

E

E: Engine
EASA: European Aviation Safety Agency
EC: European Commission

EPA: European Part Approval
EPR: Environmental Protection Requirements
ER: Essential Requirements
ETSO: European Technical Standard Order
ETSOa: European Technical Standard Order authorisation
EU: European Union

F

FAA: Federal Aviation Administration
FCL: Flight Crew Licensing

G

GA: general aviation
GM: Guidance Material
GMT: Greenwich Mean Time
GPS: Global Positioning System

I

IPC: Illustrated Parts Catalogue
IR: Implementing Rules

J

JAA: Joint Aviation Authorities
JAR: Joint Aviation Requirements

K

K: thousand
KHz: KiloHertz
KIAS: Indicated Airspeed in Knots
KT: Knots (nautical miles/ hour)

L

LoA: Letter of agreement

M

MB: Management Board (EASA)
MEL: Minimum Equipment List
MMEL: Master Minimum Equipment List
MOA: Maintenance Organisation Approval
MOE: Maintenance Organisation Exposition
MoC: Means of Compliance
MOM: Maintenance Organisation Manual (Subpart F)
MSA: Member States Administration
MS: Member State (of the European Community)
MTO(A): Maintenance Training Organisation (Approval)
MTOE: Maintenance Training Organisation Exposition
MTOP: Maximum Take-Off Power

N

NAA: National Aviation Authority
NAV: navigation
NPA: Notice of Proposed Amendment

O

OCP: Organisations Certification Procedure
OEM : Original Equipement Manufacturer
Ops: Operations

P

P: Propeller

PAD: Proposed Airworthiness Directive
PCM: Project Certification Manager
PCP: Products Certification Procedure
POA: Production Organisation Approval
POE: Production Organisation Exposition
PPA: Products, parts and appliances

R

RG: Rulemaking
RIA: Regulatory Impact Assessment
RP: Responsible Party
RTA: Request for Technical Advice

S

SARP: ICAO Standards and Recommended Practices
SoD: State of Design
SoR: State of Registry
SSCC: Safety Standards Consultative Committee
STC: Supplemental Type Certificate
STD: Synthetic Training Device
STCH: STC Holder

T

TC: Type Certificate
TCH: Type Certificate Holder
TCDS: Type Certificate Data Sheet
ToA: Terms of Approval
ToR: Terms of Reference
TVP: Type validation principles

U

UAV: Unmanned Aerial Vehicle

V

VLA: Very Light Aeroplane
VLR: Very Light Rotorcraft

W

WA: Working Arrangement
WG: Working Group