



The EASA System for Air operations

OPS Workshop Austria
16 June 2009
Willy Sigl
EASA



Outline

- ✧ **EASA**
- ✧ **Legal framework**
- ✧ **Proposed new parts structure**
- ✧ **Overview of Part-OPS, Part-OR, Part-AR**
- ✧ **NPA OPS**



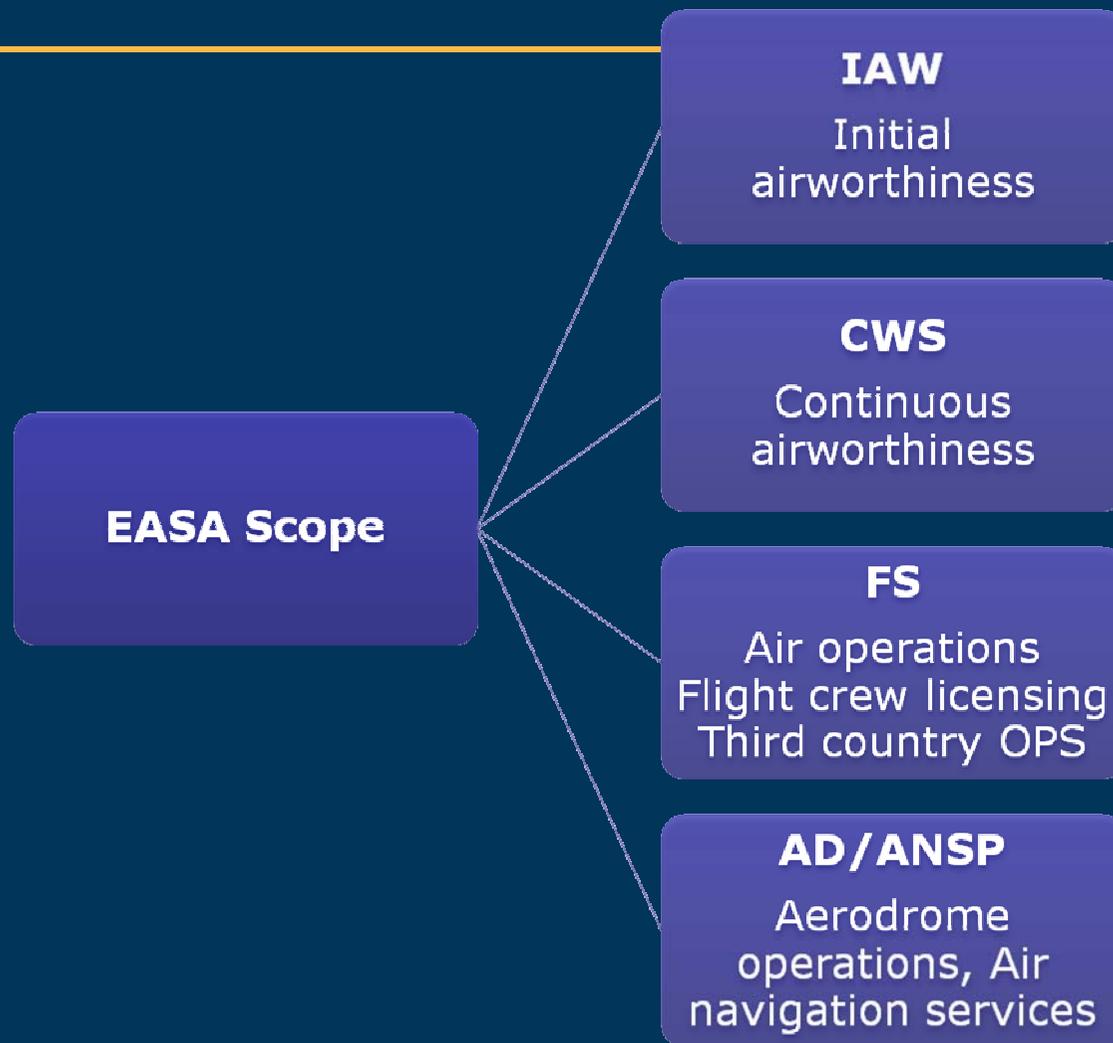
European Aviation Safety Agency

European Aviation Safety Agency (EASA)

- ▶ **Established: 2003**
- ▶ **Place of business: Cologne, Germany**
- ▶ **Staff: around 500**
- ▶ **Legal status:**
 - ▶ Institution of the European Union
 - ▶ Independent in relation to technical matters
 - ▶ Legal, administrative and financial autonomy



EASA scope

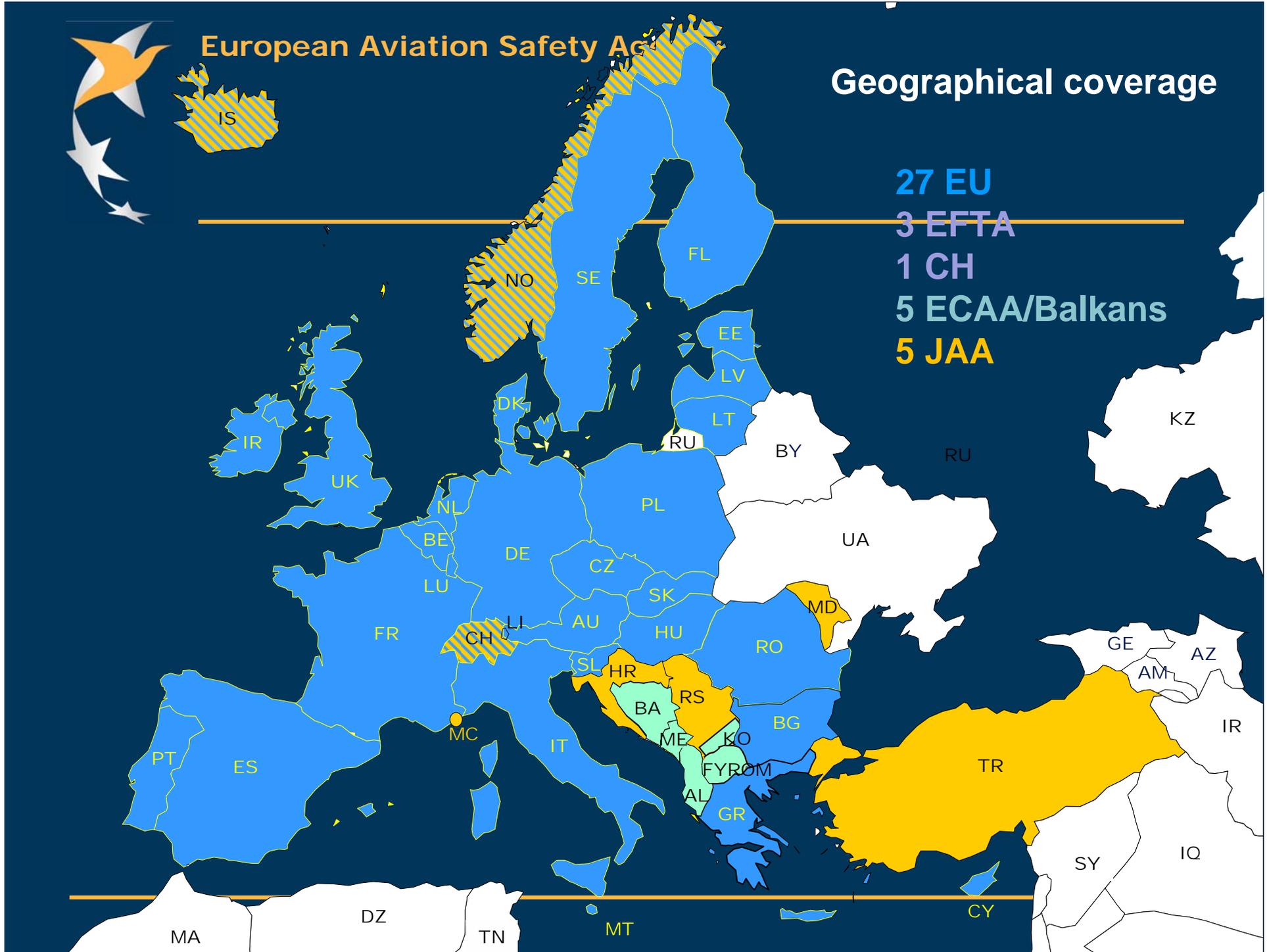




European Aviation Safety Agency

Geographical coverage

- 27 EU
- 3 EFTA
- 1 CH
- 5 ECAA/Balkans
- 5 JAA





he principles

- ▶ **DECENTRALISATION IS THE RULE...**
- ▶ **The EC Treaty is based on the principle that the Community acts as a legislator, while Member States apply Community law under Community control**
- ▶ **Community law is directly applicable (full part of Member States legal order)**
- ▶ **Legal remedies for individuals and enforcement means are provided by Member States judicial systems**



European Aviation Safety Agency Regulatory framework

he principles

- ▶ ... CENTRALISATION THE EXCEPTION
- ▶ The EC Treaty provides however for the delegation of executive powers to the Commission or an executive agency



Legal structure - new

For all 27 Member States + 4 EEA States	adopted by	legally binding
Basic Regulation (BR) + Essential Requirements (ER)	European Parliament and Council	yes
Cover Regulation + Implementing Rules (IR) Part-OPS, -OR, -AR, -FCL, -CC, -MED, -21, -M, -145, -147, -66, ...	European Commission	yes
Certification Specifications (CS) Acceptable Means of Compliance (AMC) Guidance Materials (GM)	EASA	no



Legal framework

performance-based rulemaking

- ✦ The combination of “hard law” and “soft law” provides for the needs of proportionality
- ✦ It allows for tailored solutions, adapted to the size and complexity of organisations, and to the level of risk involved in their activity
- ✦ This concept provides for a uniform implementation of common requirements with sufficient flexibility



Legal framework

- **The essential requirements and implementing rules**
 - ➔ Are directly applicable
 - ➔ Replace national law
 - ➔ Cannot be amended by additional national provisions
- ★ **Member States may no more**
 - ➔ Deviate from common rules – except in the case of Article 14 exemptions
 - ➔ Conclude international arrangements with third countries



Legal framework

➤ Article 14 BR Flexibility provisions

★ 1st case (par. 1,2,3) – safety problem

- ➔ A Member State (MS) may react immediately to a safety problem which involves a product, person or organisation
- ➔ MS notifies EASA, the Commission and other MS of the measures taken and the reasons thereof
- ➔ EASA assessment: may lead to amendment of IRs and/or AMC/GM/CS or MS to revoke measure



Legal framework

➤ Article 14 BR Flexibility provisions

★ 2nd case (par. 4,5) - exemptions

- ➔ A MS may grant exemptions in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, provided the level of safety is not adversely affected
- ➔ A MS notifies EASA, the Commission and other MS of the measures taken as soon as they become repetitive or where they are granted > two months
- ➔ EASA assessment: if not compliant, MS to revoke measure following Commission decision



Legal structure

Extension of scope compared to EU/JAR-OPS

▶ Operators

- CAT with aircraft other than aeroplanes and helicopters
- Commercial operators other than CAT, e.g., aerial work
- Non-commercial operators
- Third country operators

▶ Aircraft

- Balloons, Sailplanes,
- In the future: Airships, Tilt rotor aircraft, UAS

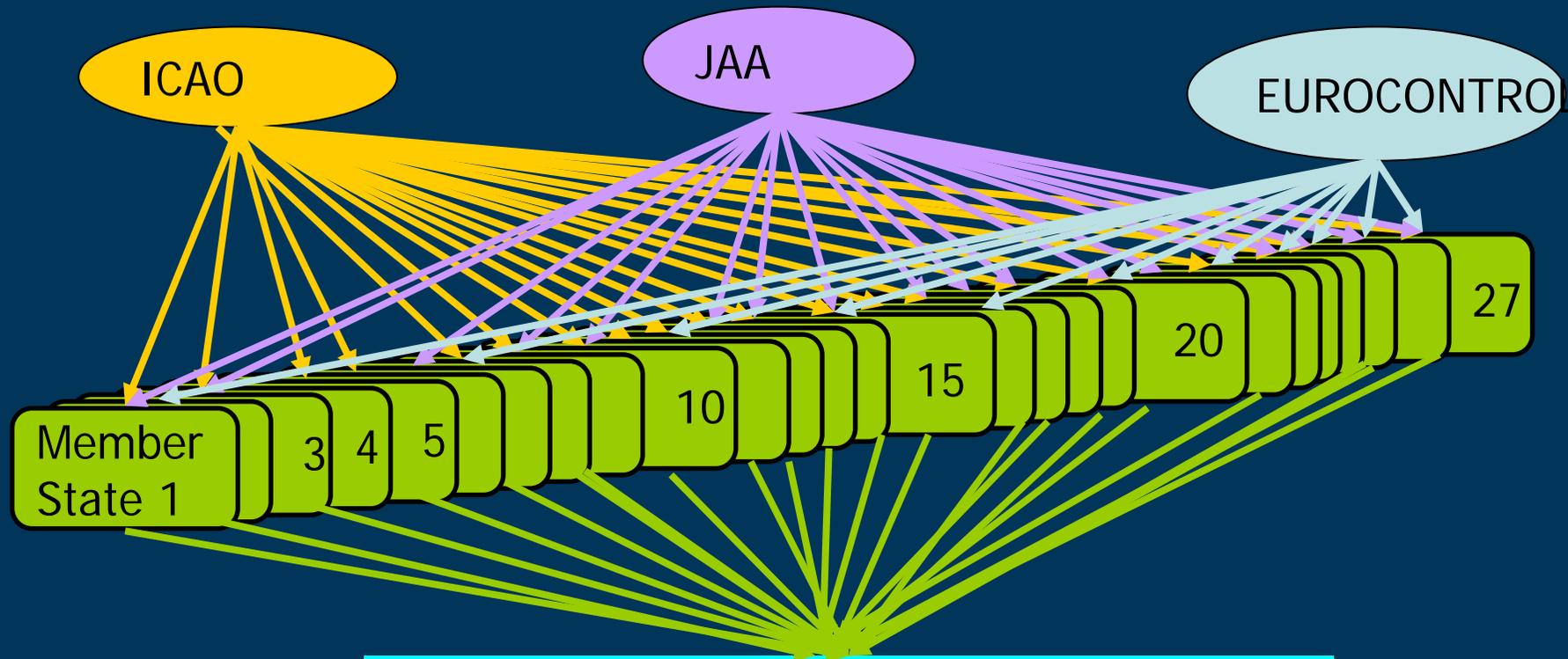


Differences JAA - EASA

JAA	EASA
JARs not directly applicable, not binding	IR directly applicable, binding
Different legal texts across Europe	Harmonised rules across Europe
No common transposition dates	Common applicability dates
Different interpretations and different choices about recommended practices	Harmonised interpretations
Prescriptive rules	Focus on performance based rules
Non uniform safety level, distortion of fair market competition	Uniform safety level and less distortion of competition
Insufficient regulation of safety oversight	Strengthened collective oversight



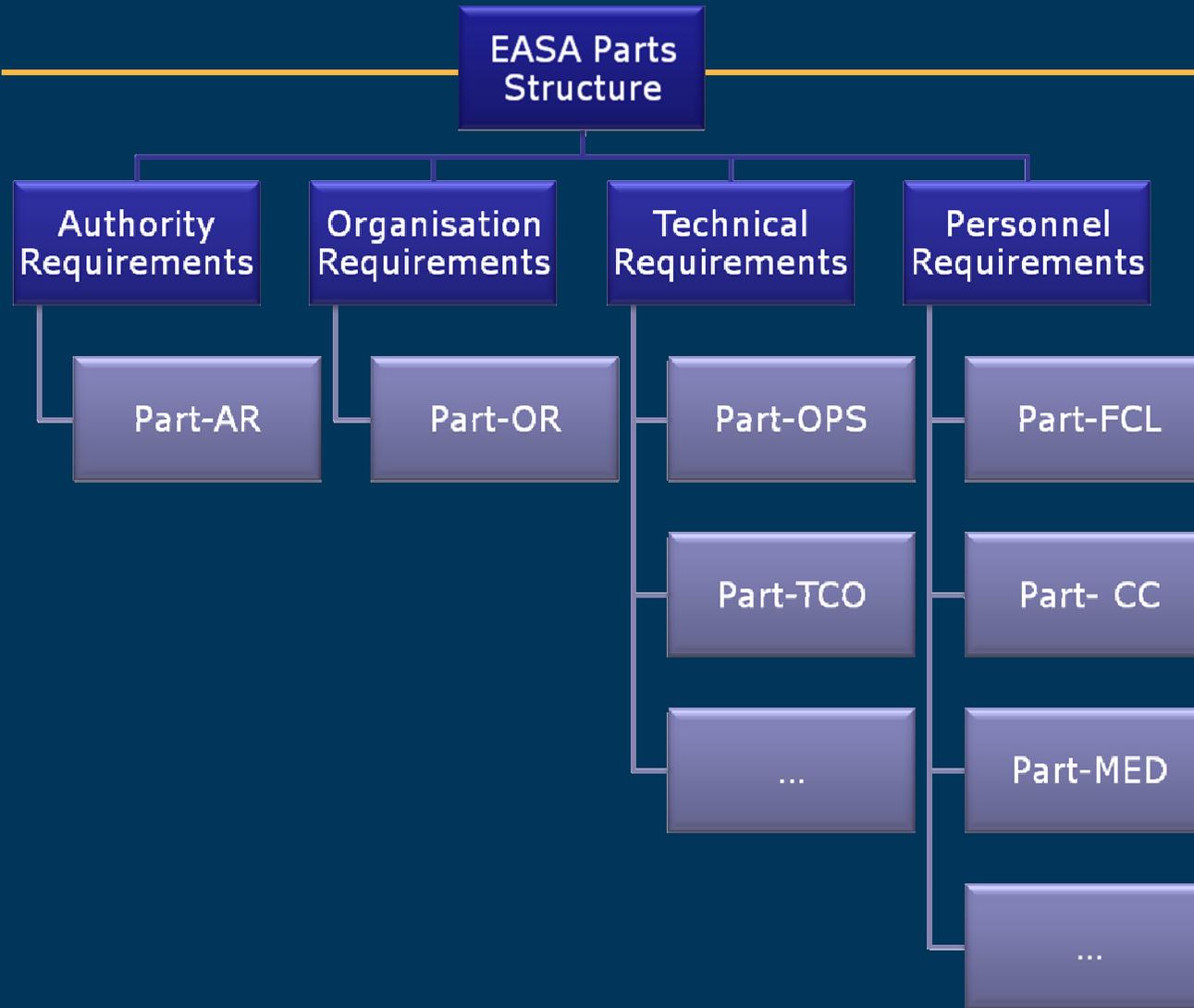
Legal structure - past



27 different legal procedures for transposition

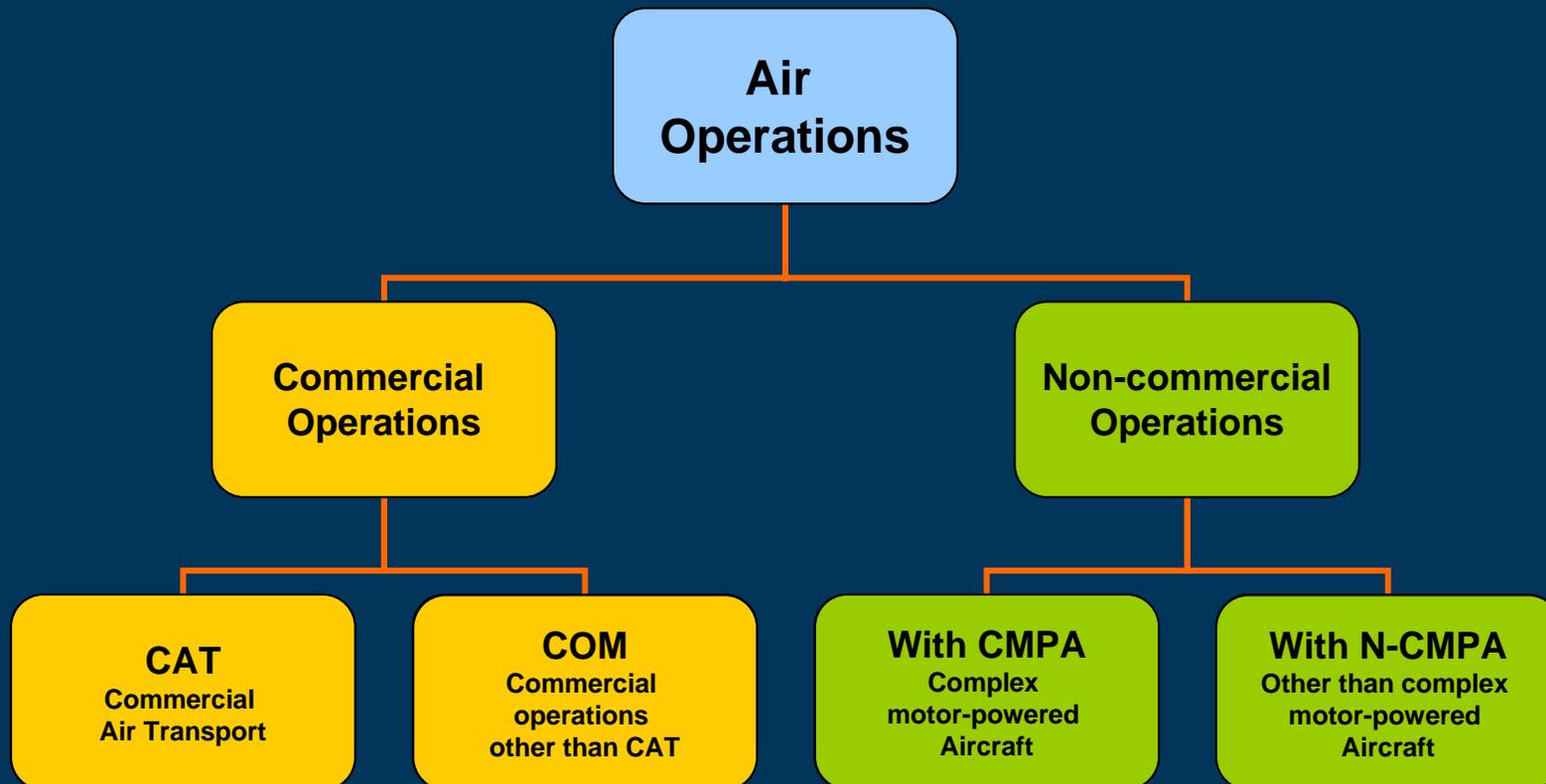


New Parts Structure - proposed



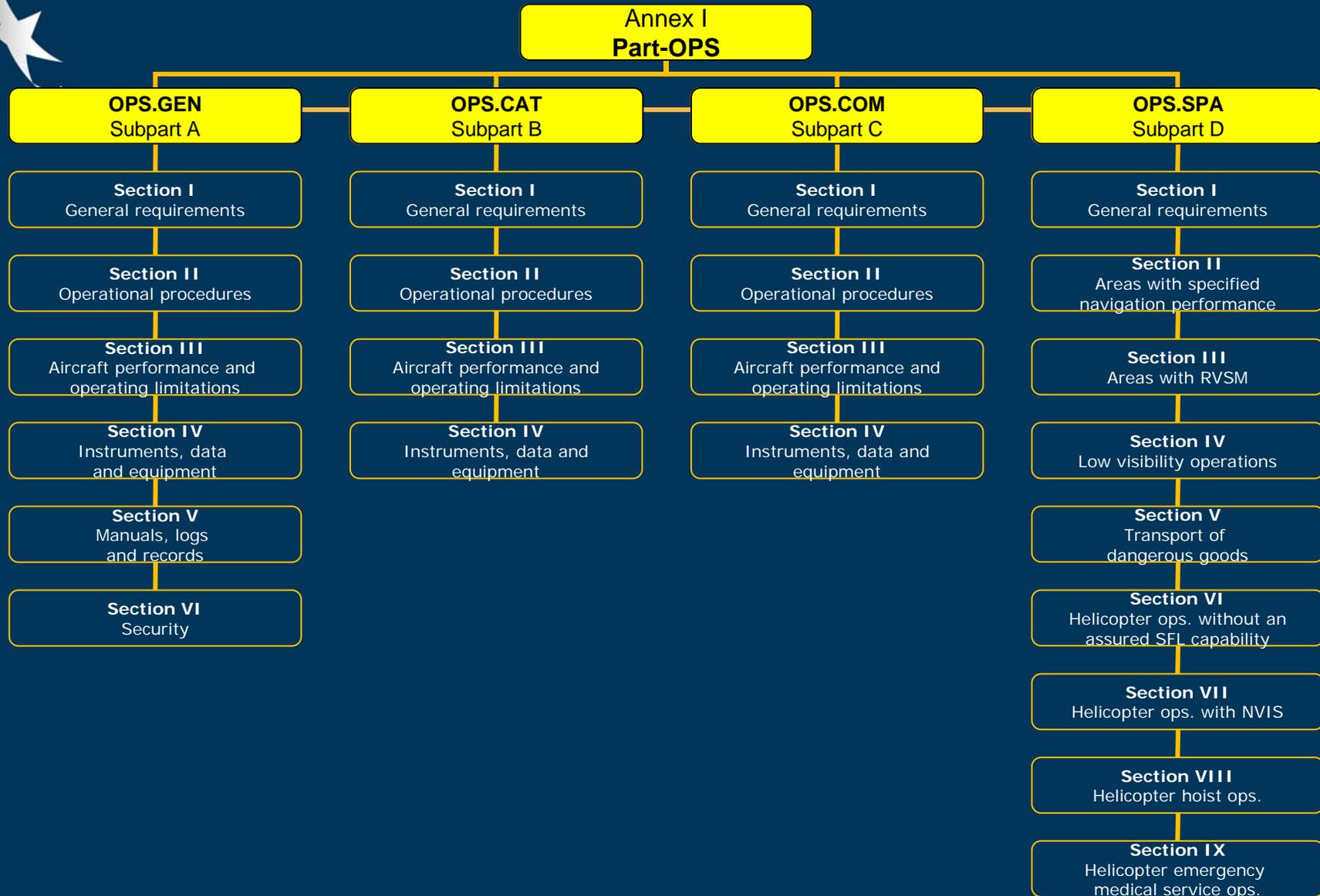


Operation classification



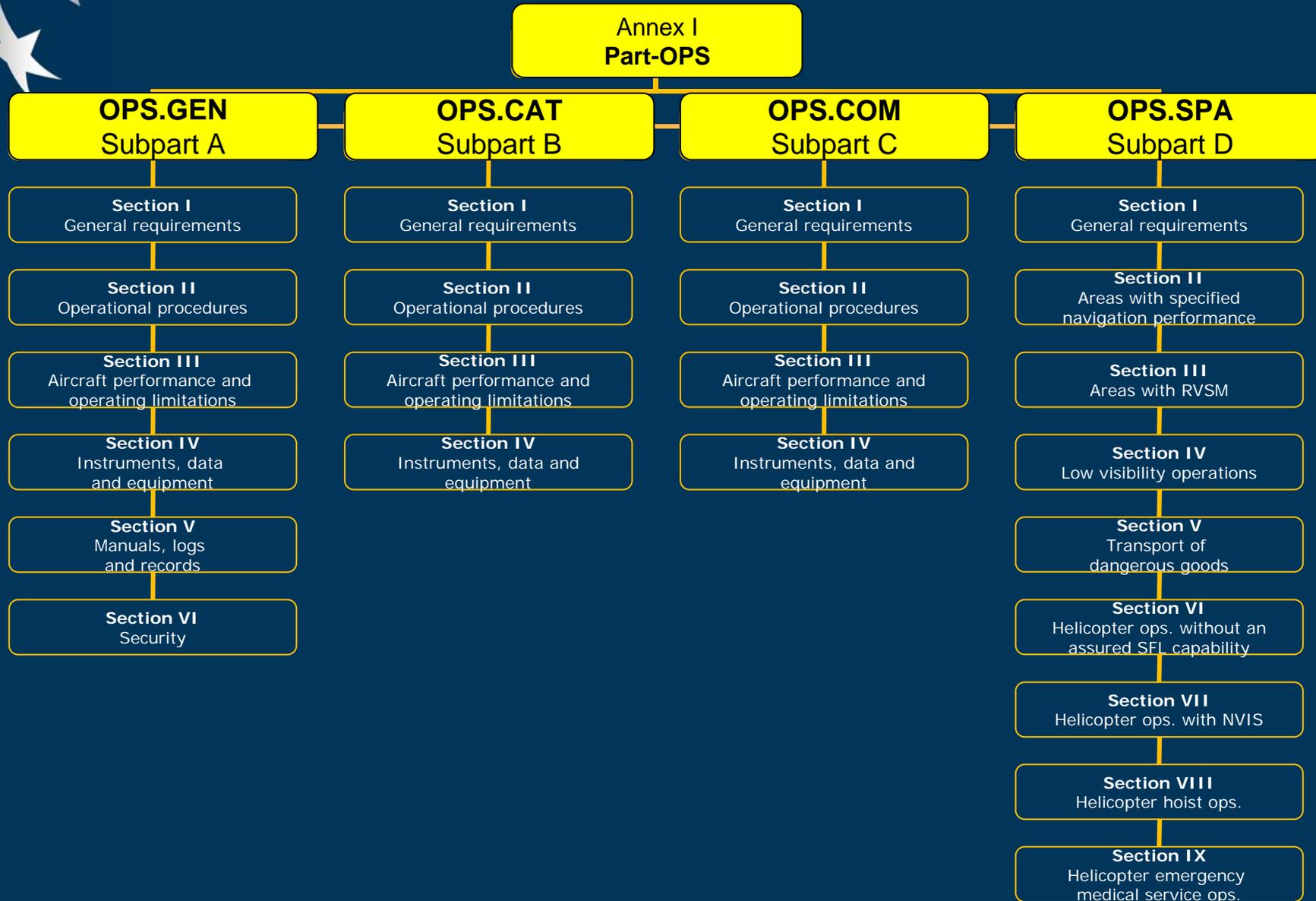


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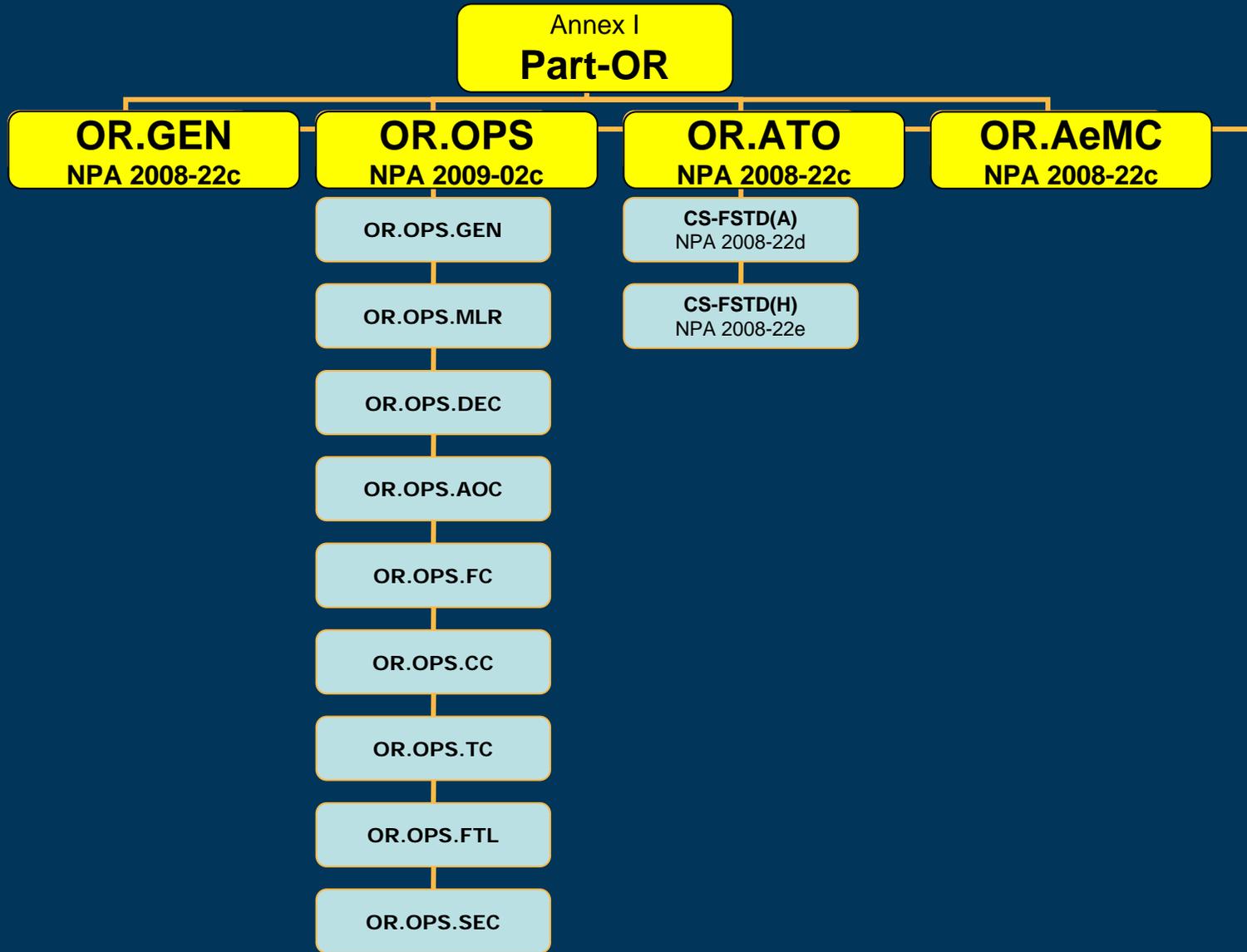


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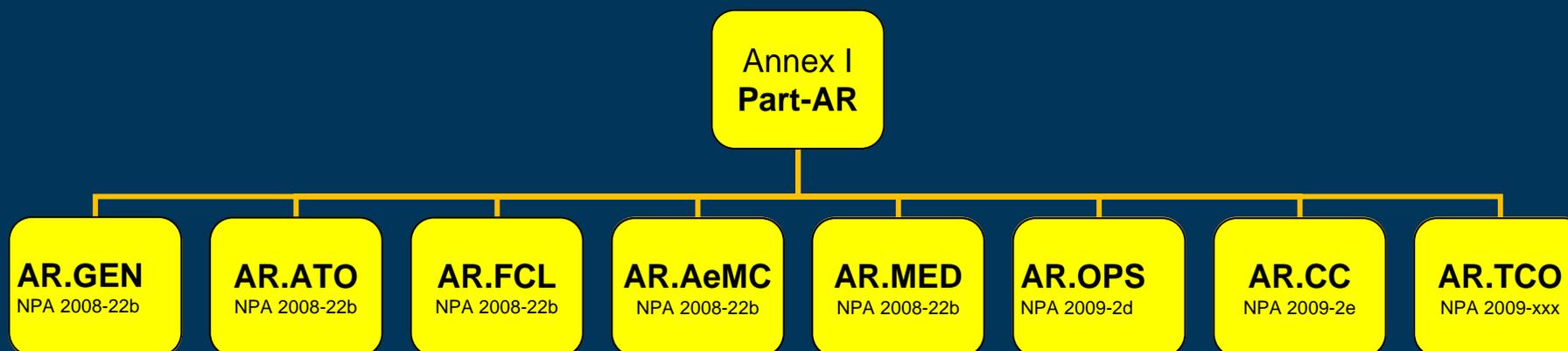


European Aviation Safety Agency





European Aviation Safety Agency Overview of Part-AR





NPA OPS

- The NPA OPS contains 7 documents:
 - ★ [2009-02a](#): Explanatory note
 - ★ [2009-02b](#): Part-OPS
 - ★ [2009-02c](#): Subpart OR.OPS
 - ★ [2009-02d](#): Subpart AR.OPS, Subpart AR.CC, amendments to Subpart AR.GEN
 - ★ [2009-02e](#): Part-CC, amendments to Part-MED
 - ★ [2009-02f](#): Cross-reference tables
 - ★ [2009-02g](#): Regulatory Impact Assessment



NPA OPS

- **NPA OPS proposal is based on**
 - ✦ **ICAO Annex 6**
 - ✦ **EU-OPS and JAR-OPS 3**
 - ➔ EU-OPS (Reg. 859/2008) / JAR-OPS 1 Amendment 13 / TGL 44
 - ➔ JAR-OPS 3 Amendment 5
 - ✦ **Draft JAR-OPS 0,2,4 after A-NPA process - 2002/03**



NPA OPS

- **NPA OPS proposal is based on**
 - ✦ **Further JAA material:**
 - ➔ JAA NPAs in an advanced phase of adoption
 - ➔ JAA WP with sufficient consensus
 - ➔ JAA Temporary Guidance Leaflets (TGL)
 - ➔ JAA Safety Information Communication (SIC)



Transition periods

★ **BR Art. 70 Entry into force**

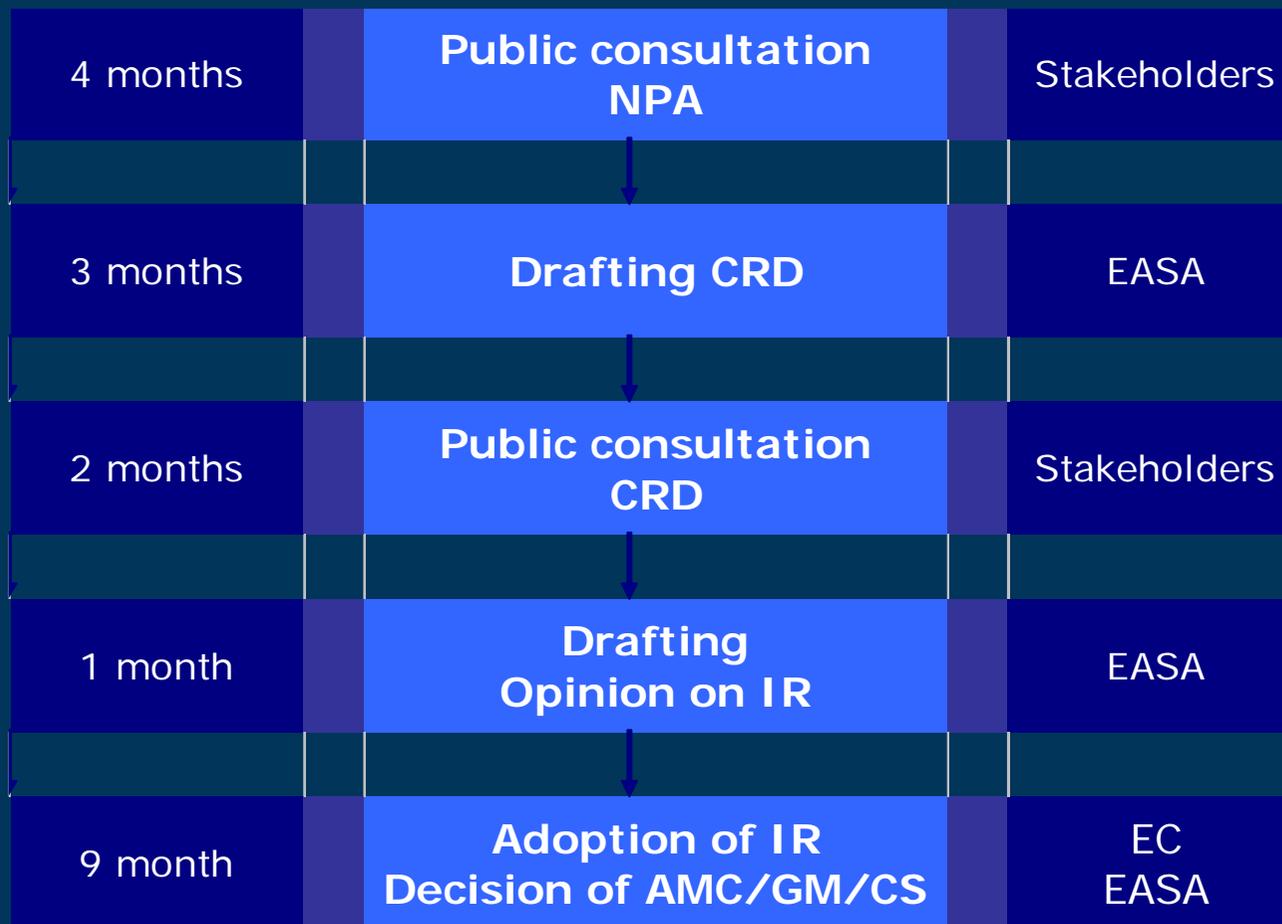
- As specified in the respective IRs, but not later than 8 April 2012
- In the meantime, EU-OPS and the national rules continue to apply

★ **EASA proposal**

- Existing certificates which are in compliance with EU-OPS and JAR-OPS 3 are grandfathered
- Appropriate transition measures for MS not recommended by JAA for mutual recognition as regards JAR-OPS3



Rulemaking procedure





Weblinks

➤ **Flight Standards Miniwebsite**

✦ <http://easa.europa.eu/flightstandards/>

➤ **Comments on NPAs**

✦ <http://hub.easa.europa.eu/crt/>

➤ **Rulemaking Handbook**

✦ <http://rmh.easa.europa.eu/default.aspx>



**Thank you
for your attention**

**Willy Sigl
EASA**