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Welcome

Workshop on New Basic Regulation

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Workshop on New Basic Regulation

Introduction to the New Basic Regulation and its core objectives

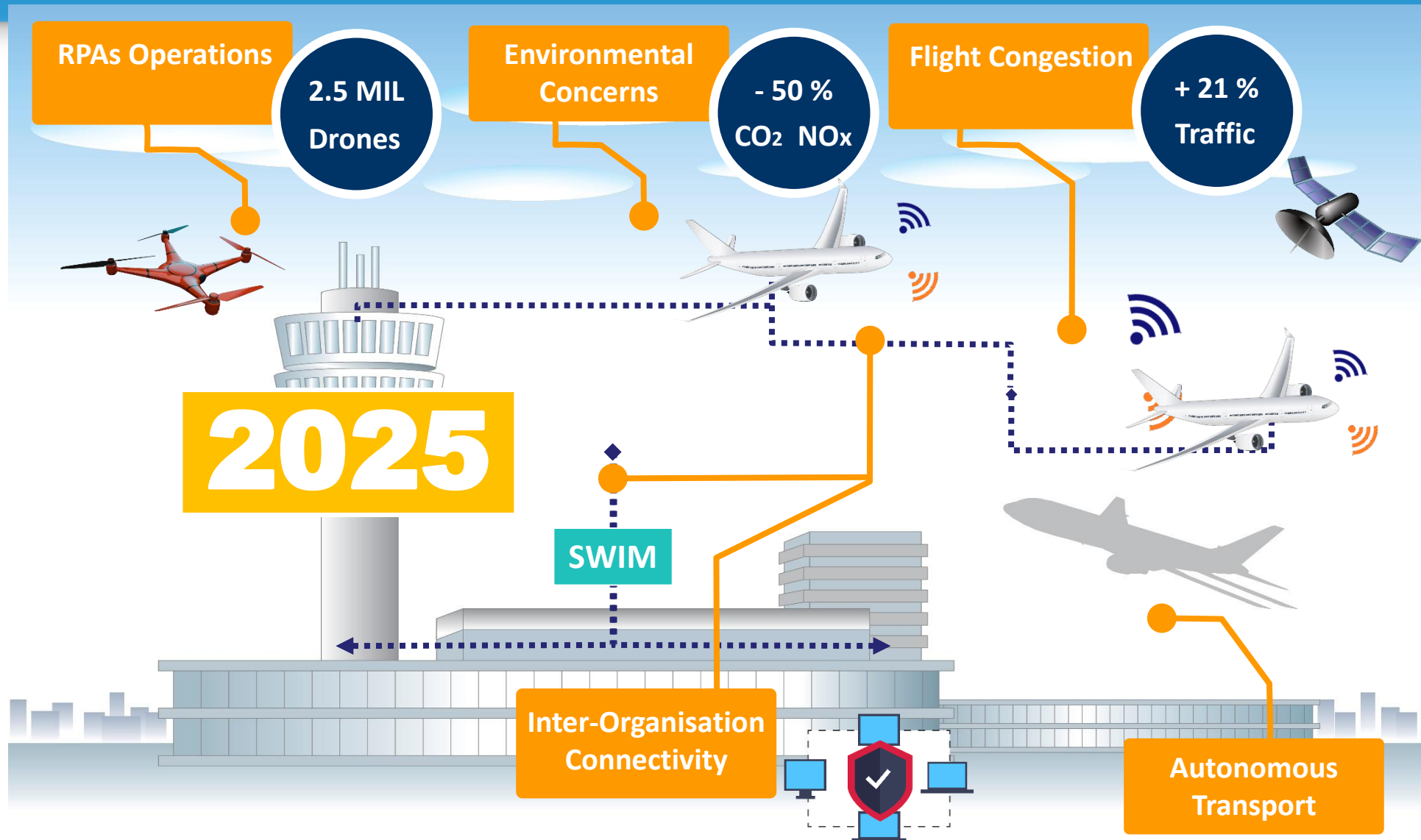
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Change before you have to





Main Objectives

- Commission 2015 Aviation Strategy for Europe
- Art. 62 evaluation

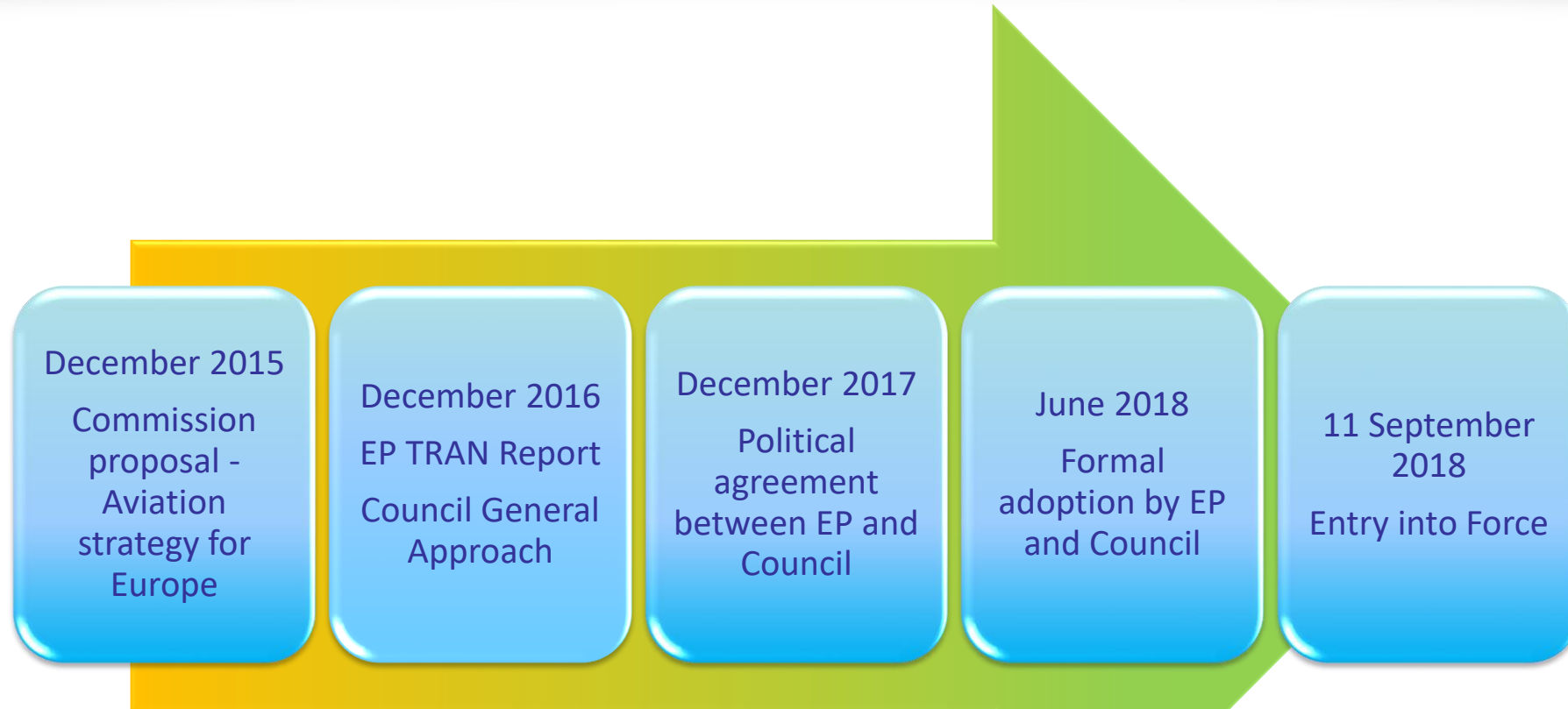


- Making better use of our limited resources
- A flexible and performance based system
- Closing gaps and inconsistencies
- Better governance for EASA

**A comprehensive,
flexible system,
better adapted to
new challenges**



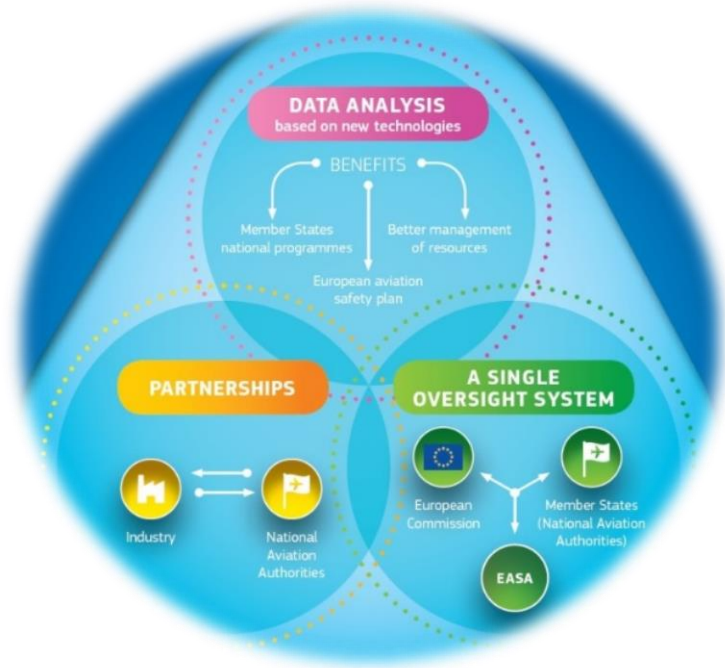
Timeline and milestones



Ordinary Legislative Process



Making better use of our limited resources



A pool of European aviation inspectors

New framework for transferring responsibilities

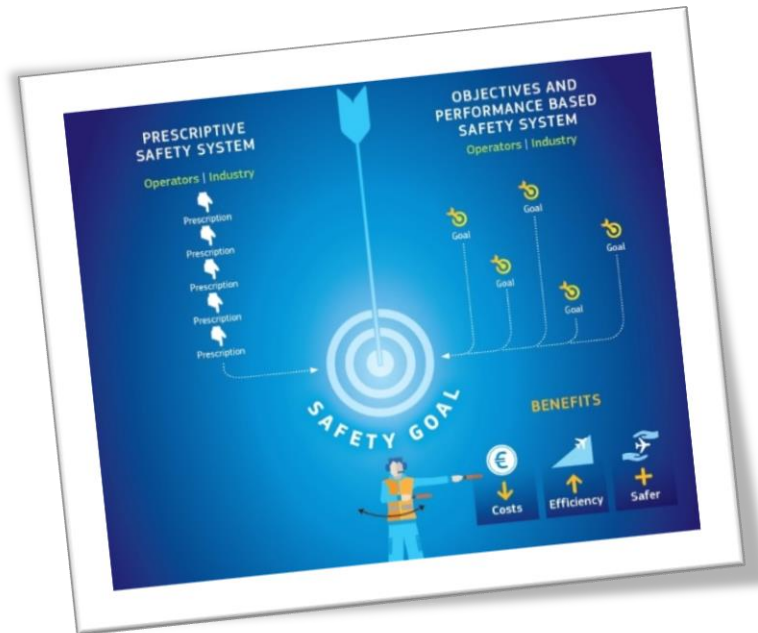
Oversight support mechanism

Repository of information (including aeromedical) & Big Data

Framework for better working at international level



Flexible and performance based system



Risk based elements reinforced

Promoting proportionate, performance based rules

Additional flexibility for regulating GA

Safety plan for Europe and national safety plans

Opt-in for aircraft manufacturers

Opt-in for 'state aircraft'

Opt-out for micro-lights



Closing gaps and inconsistencies



Interdependencies with security and environmental legislation (Cyber security, Chemical legislation (REACH))

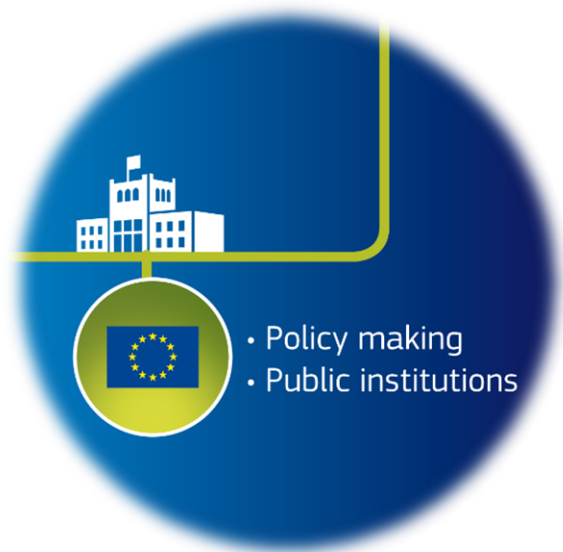
Proportionate safety standards for ground handling

European requirements for certification of aircraft noise and emissions – outside of Annex 16 scope

An operation – centric framework for unmanned aircraft.



Better governance for EASA



Alignment with 'common approach' on decentralised agencies

New forms of revenue (Grants)

Demand driven resources for certification (flexibility in adjusting fee-financed staff)

Making best use of EASA resources - Furthering the use of EASA expertise by the Commission (security, environment, research, training and SES implementation)



Total System Approach to Aviation Safety

Aviation Safety



Before



Total System approach to Aviation





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Formal aspects

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New structure 1/3

Chapter I Principles

- Objectives
- Scope
- Definitions
- Principles

Chapter II Aviation Safety Management

- Implementation ICAO Annex 19 – European and State Safety Programme and Plan

Chapter III Substantive Requirements

- Airworthiness & Environmental protection
- Aircrew - Air Operations
- Aerodromes - ATM/ANS
- Air Traffic Controllers
- Unmanned Aircraft
- Third Country Operators



New structure 2/3

Chapter IV **Joint Certification, Oversight and enforcement system**

- Rules for Competent Authorities
- Transfer of responsibilities
- Validity and recognition of certificates
- Acceptance of third country certificates
- Safeguard and Flexibility Provisions
- Information exchange, incl. Repository

Chapter V **EASA**

- Tasks
- Internal structure
- Working methods
- Financial requirements

Chapter VI **Final Provisions**

- Procedure for Delegated and Implementing Acts
- Penalties
- Repeals and Amendments
- Transitional provisions
- Entry into force



Annexes Essential Requirements

- **I – Excluded Aircraft**
- **II – Airworthiness**
- **III – Environmental Compatibility related to products**
- **IV – Aircrew**
- **V – Air Operations**
- **VI – Qualified Entities**
- **VII – Aerodromes**
- **VIII – ATM/ANS and air traffic controllers**
- **IX – Unmanned aircraft**



Delegated vs Implementing Acts

Two separate bases in the Treaty

Art 290
Treaty on the Functioning
of the EU

Delegated
Acts

Supplement and
amend specific non
essential elements

Art 291
Treaty on the Functioning
of the EU

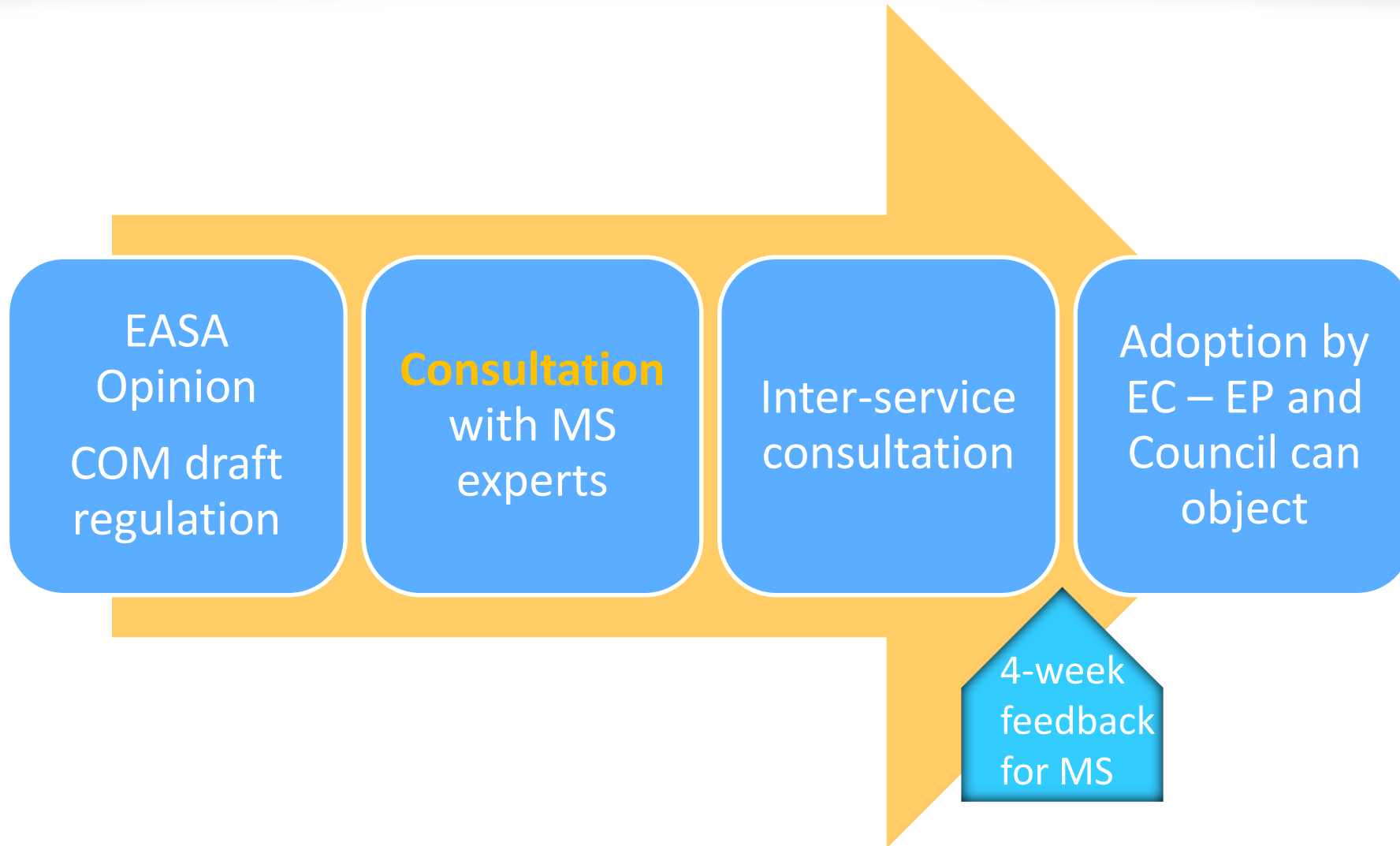
Implementing
Acts

Provide uniform
conditions for
implementing the law

Two different systems

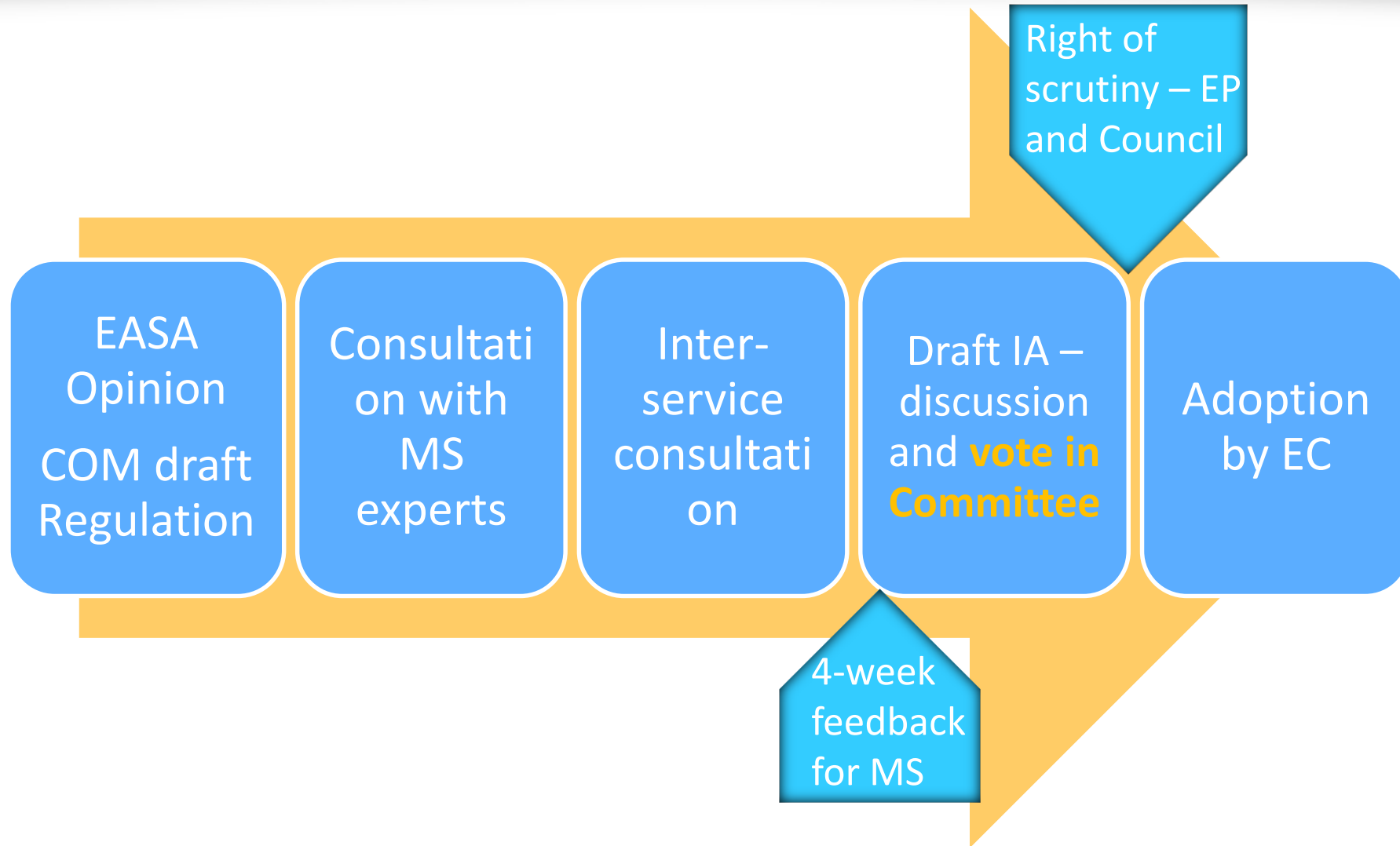


Adoption process: Delegated Act





Adoption process: Implementing Act





Article 140 – Transitional provisions

- Current certificates and airworthiness specifications continue to be valid
- Timeline to adapt current implementing rules:
 - ✓ 5 years, except general aviation 2 years
- 3 years to terminate or adjust existing bilateral agreements with third countries



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Article 2 – Scope of Application

- Annex I (current 'Annex II') remains, but the list of excluded aircraft was updated:
 - ✓ All unmanned aircraft now in the scope of the basic regulation;
 - ✓ Exception: small tethered aircraft
 - ✓ Small balloons/airships and powered sailplanes added to Annex I;
 - ✓ Gyroplane mass increased to 600kg;
- CAT operations with Annex I aircraft always excluded.



Article 2 – Scope of Application

- Ground-handling services added to the scope;
- Aerodromes scope slightly changed:
 - ✓ instrument runway required;
- Design of airspace structures - clarification of the scope



Article 2 – Scope of Application

- Voluntary Member State ‘opt-in’ for ‘*state aircraft*’:
 - ✓ modular approach
 - ✓ ex-post Commission control;
 - ✓ reversible;
- Voluntary ‘opt-in’ for newly designed, serially produced ‘Annex I’ aircraft:
 - ✓ Opt in by organisation responsible for the design;
 - ✓ Only airworthiness aspects (design, production and maintenance);
 - ✓ Opt-in covers also personnel and organisations involved in the activities concerned.



Article 2 – Scope of Application

- Voluntary Member State ‘opt-out’ for certain light aircraft:
 - ✓ New *category* of aircraft (neither EASA nor Annex I);
 - ✓ Manned aeroplanes, helicopters and sailplanes (limits of MTOM and airspeed);
 - ✓ Aircraft already approved under EU rules not affected;
 - ✓ Possibility of parallel EU and national certifications.



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Changes in substantive requirements in Chapter III

Changes in airworthiness and environmental protection, air operations and aircrew

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Airworthiness (Chapter III, Section I)

- Section I of Chapter III applies to manned aircraft only;
- Design of products;
- Design of 'non-installed equipment' and design of parts;
- Organisations;
- Individual aircraft.



Environmental Protection (Chapter III, Section I + Article 87)

- Noise and emissions: manned aircraft to comply with ICAO Annex 16;
- EU rules apply to manned aircraft to the extent that ICAO Annex 16 does not contain requirements;
- New Article 87 (environmental protection):
 - formalises existing activities of EASA;
 - obligation of cooperation between EU bodies and institutions.



New EASA competences (Article 77)

- Competent authority for:
 - ✓ Certificates and declarations concerning design of non-installed equipment;
 - ✓ Declarations concerning design of parts and products;
 - ✓ Declarations concerning design organisations;
 - ✓ Declarations concerning compliance of organisations located in 3rd countries.

- Establishes and makes available detailed specifications for products, parts and non-installed equipment subject to a declaration;

- Can issue ADs motivated by security concerns.



Essential Requirements (Annex II & III)

- Annexes can be amended by Delegated Acts.
- New Essential Requirements on:
 - ✓ cyber-security;
 - ✓ maintenance personnel;
 - ✓ non-installed equipment added;
- New Annex III with essential requirements for environmental compatibility of products:
 - ✓ Applicable to the extent that ICAO Annex 16 does not contain environmental requirements.



- Main elements in terms of:
 - Scope
 - Definitions
 - Technical requirements



Scope of application - IN

- Regulation **applies** to the operation of aircraft
- And the personnel and organisations involved in that operation



Scope of application - OUT

- Regulation **does not apply** to aircraft involved in State Operations



Definitions

- New definition:
 - Commercial air transport
- Definitions deleted:
 - Commercial operation
 - Complex motor-powered aircraft



Main elements

- Essential Requirements
- Access to activity
- Further regulations



- Pilots require a licence & medical certificate
 - Except when determined in Implementing Rules
- Training and experience in out-of-scope aircraft may be recognised



- Pilot and cabin crew training organisations
 - are approved; or
 - may need to declare their activity



- Flight simulation training devices
 - are certified; or
 - may be covered by a declaration from the operator



- For Pilots
 - Will hold a certificate
 - Except when determined in Implementing Rules
- For Cabin Crew
 - Implementing rules may require a certificate



- EU aircraft operators may be required to:
 - Hold a certificate
 - Declare their capability
- MS ensure equivalent level of safety for non-EU operators under their oversight



Third Country Operators

- Authorisation required for commercial air transport operators
- Other operators may be subject to
 - Authorisation
 - Declaration



- Implementing acts
 - Pilots and cabin crew
 - FSTD
 - Training organisations and aeromedical centres
 - Aircraft operators
 - Third country operators
- Delegated acts
 - Amending Essential Requirements
 - Rest and duty time limitations



- EASA acts as competent authority for:
 - Pilot and cabin crew training organisations and aeromedical centres outside the responsibility of Member States
 - Flight simulation training devices outside the responsibility of Member States
 - Third country operators
- In relation to FTL, EASA:
 - Adopts CS
 - Issues opinions on individual flight time limitation schemes



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Changes in substantive requirements in Chapter III

Changes in aerodromes, Ground-handling, apron management system, ATM/ANS, airspace design and unmanned aircraft

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- Main elements in terms of:
 - Scope
 - Definitions
 - Technical requirements



Wider scope of application

- Regulation **applies to**
 - Aerodromes
 - Safety-related aerodrome equipment
 - Ground-handling & Apron Management Services
 - Aerodrome surroundings



The same exclusions from application

- Regulation **does not apply** to military
- MS can exempt smaller aerodromes from the Regulation



New definitions introduced

- New definitions:
 - Aerodrome operator
 - Safety related equipment
 - Ground-handling service



Chapter III, Section IV – Aerodromes

- Essential Requirements
- Access to activity
- Further regulations



Aerodromes and operators are certified

- NBR requires a certificate for aerodromes and aerodrome operators



Safety-related aerodrome equipment

- Safety-related aerodrome equipment may be covered by
 - A declaration or
 - A certificate



Ground-handling and Apron Management Services

- Ground-handling and Apron Management service providers need to declare their activity



- Implementing acts
 - Aerodromes
 - Safety-related aerodrome equipment
 - Protection of aerodrome surroundings
- Delegated acts
 - Aerodrome operators
 - Ground-handling and Apron Management services
 - Amending the Essential Requirements



- EASA acts as competent authority for safety-related equipment subject to declaration or certification



- New Essential Requirements for Ground-handling and Apron Management Services



ATM/ANS (Chapter III, Section V + Article 139(2))

- Exemptions for ATM/ANS providers located in third countries;
- ATM/ANS systems and constituents:
 - ✓ Terminology
 - ✓ Repeal of Regulation (EC) No 552/2004
 - ✓ “Declared” organisations (design, manufacture and maintenance);
- Core constellations of GNSS and augmentation systems;
- Role of the EASA committee.



- Clarification of the legal framework for this activity:
 - ✓ In the scope of the basic regulation but not an ATM/ANS (Article 46);
- Detailed rules to be laid down by means of Commission implementing acts;
- Without prejudice to Regulation (EC) No 551/2004.



- Acts as the competent authority for:
 - ✓ organisations designing, producing and maintaining ATM/ANS systems and constituents used in the provision of pan-European services;
 - ✓ ATM/ANS systems and constituents used by providers under the oversight of EASA;
 - ✓ ATM/ANS systems and constituents subject to a certification or declaration requirement;

- Support to the Commission in SES implementation (Article 93).



Essential Requirements (Annex VIII)

- Annexes can be amended by Delegated Acts;
- New Essential Requirements on ATM/ANS related to cyber-security;
- Amended essential requirements on:
 - ✓ ATM/ANS systems and constituents (based on Regulation (EC) No 552/2004);
 - ✓ Air Traffic Flow Management;
 - ✓ Airspace management.



Scope of application (Articles 2 and 3)

- All unmanned aircraft, irrespective of operating mass:
 - ✓ Except small tethered aircraft listed in Annex I
- Distinction between registered and non-registered unmanned aircraft;
- Definition covers: remotely piloted, autonomous and optionally piloted UA;
- Equipment to control unmanned aircraft remotely.



Compliance (Section VII of Chapter III: Articles 56 – 58)

- Design, production, maintenance and operation (EU operators) of UA;
- Certification or declaration where the implementing or delegated acts so provide;
- Disconnection clause for design, production and maintenance;
- Registration of unmanned aircraft and their operators;
- The question of national rules.



Essential Requirements (Article 55)

- **Annex IX:**
 - ✓ Basic set + additional for UA subject to a declaration or certification;
 - ✓ Essential Requirements on registration;
 - ✓ Essential Requirements for electromagnetic compatibility and radio spectrum;
- **Annexes II, IV and V can also apply;**
- **Annex III (Environmental requirements):**
 - ✓ No limitations of ICAO Annex 16;
- **Annexes IX and III can be amended by delegated acts.**



Electromagnetic compatibility and radio spectrum (Articles 137-138)

- Continued application of Directive 2014/30/EU and Directive 2014/53/EU to unmanned aircraft, except:
 - ✓ UA certified by EASA with radio equipment operating on aeronautical frequencies;
- For the exempted aircraft, new Section 2.5 of Annex IX applies.



Accident investigations and occurrence reporting (Articles 135 and 136)

- Exemptions for unmanned aircraft the design of which is not under oversight of EASA;
- Exemptions do not apply to situations where:
 - ✓ a person has been fatally or seriously injured, or
 - ✓ where a manned aircraft was also involved.



- The same as for manned aircraft.
- Competent authority for:
 - ✓ Design certifications and declarations;
 - ✓ Organisations located in third countries;
 - ✓ Authorisation of third country operators of unmanned aircraft.



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Sharing of responsibilities – joint certification, oversight and enforcement system

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Article 63 – Pool of European aviation inspectors

- Voluntary mechanism for cooperative oversight:
 - ✓ Obligation for EASA and the national authorities to designate experts for the pool, but only subject to availability;
- Both Member States and the Agency may request assistance from the experts included in the pool;
- The Agency has a coordinating role;
- Use of experts from the pool does not affect responsibilities of Member States or EASA;
- Possibility to finance assistance by fees from industry;
- Details of cooperation, including financing, to be specified in an implementing act.



Articles 64 and 134 - Reallocation of responsibility

- Voluntary, reversible mechanism
- Two scenarios : (1) reallocation between Member States and EASA; (2) reallocation between Member States;
- Arrangements between EASA and the NAA;
- A transition plan to be established and transparency towards third parties ensured;
- Not affecting rights and obligations of Member States under the Chicago Convention. However, obligation to notify ICAO;
- Amendments to Regulation (EC) 1008/2008 (AOC).



Article 65 – Organisations operating in more than one Member State

- Voluntary mechanism for the regulated entities;
- The organisation(s) themselves may request the Agency to become the competent authority;
- Two scenarios possible:
 - ✓ A group of organisations established in different Member States and acting jointly
 - ✓ An organisation established in one Member State, but with facilities/personnel also in other Member States.
- Member State or EASA can object if the request would adversely impact the effective functioning of the authority.



Article 66 – Oversight support mechanism

- Responsibility for the certification, oversight and enforcement tasks remain with the Member State;
- Member State can choose other measures to resolve the deficiencies;
- To protect the credibility of the EU system.



Article 69 – Qualified entities

- Authorities may allocate their tasks related to certification and oversight tasks to qualified entities;
- Possibility to grant a privilege to QEs to issue certificates or to receive declarations on behalf of the authority;
- Mutual recognition of accreditations;
- Information on accreditations to be made public by EASA.



- Art. 70 NBR – safeguard measure (ex art. 14.1)
- Art. 71.1 & 71.2 NBR – exemption from NBR/IR (ex art. 14.4)
- Art. 71.3 NBR – request for amendment of an IR
(different to ex art. 14.6)



A general look at the process

- All notifications to be introduced through the new art. 74 Repository;
- MS to immediately notify their measures (safeguard, exemption), independent of duration;
- EASA-recommendations to COM regarding MS exemptions exceeding 8 months to be issued within 3 months;
- Final COM decision when departing from the EASA recommendation, and/or when the conditions of the NBR have not been met by the MS.



Art. 70 – safeguard measure

- **Conditions to be met and demonstrated by MS:**
 - ✓ Serious civil aviation safety risk requiring immediate action from the notifying MS;
 - ✓ That MS cannot adequately address the problem in compliance with NBR and its Implementing Regulations;
 - ✓ MS measure is proportionate to the severity of the problem.



Art. 71.1 & 71.2 – exemption (1)

- **Conditions to be met and demonstrated by MS:**
 - ✓ Exemption from a requirement of the NBR (other than the ERs) or its IRs;
 - ✓ urgent + unforeseeable circumstances, or urgent + operational needs;
 - ✓ which cannot be addressed by the applicable NBR/IR requirements;
 - ✓ safety, environment and NBR-ERs are complied with;
 - ✓ MS mitigated any potential distortion of market conditions as far as possible;
 - ✓ measure is limited in scope and duration to the extent strictly necessary,
 - ✓ and is applied non-discriminatorily.



Art. 71.1 & 71.2 – exemption (2)

- **Main changes compared to ex art. 14.4 BR:**
 - ✓ MS to notify all exemptions, i.e. independent of the duration;
 - ✓ EASA to assess only when the (repetitive) measure is above 8 months;
 - ✓ EASA recommendation within 3 months (instead of 1);
 - ✓ More elaborate list of criteria.



Art. 71.3 – request for amendment

➤ **Conditions to be met and demonstrated by MS:**

- ✓ MS proposes – by way of proposing an amendment to the IR – another means to comply with a NBR-ER than those foreseen in the IRs;
- ✓ that other means (proposal) is significantly advantageous in terms of safety or efficiency compared to what exists.



Article 74 – Repository of information

- Obligation to exchange information between EASA, Member States and the Commission;
- Information related to the certification, oversight and enforcement under the New Basic Regulation;
- Definition, implementation and functioning of a Repository in accordance with an Implementing Act (including secured access);
- Compliance with data protection rules;
- Dissemination of information i.a.w decision from Commission and Agency, with some mandatory to public or other organisations (e.g. Accident Investigation Board).



Repository of information – scope of application

■ Examples of information

- Airworthiness certificates, organisation approvals
- Exemptions
- Pilot licences, examiner, air traffic controller, medical certificates
- Air operator, aerodrome, air navigation provider certificates
- Opt-in, opt-out decisions
- Conflict zones, AD, SIBs
- Unmanned aircraft registration, etc.

■ Processes and technical requirements

- Inclusion, classification, notification, publication, revocation, update, retention, archiving, deletion
- Secured access rights
- Data protection rights (data controller, data processor, data subject...)
- Interoperability with Member States systems



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Agency tasks

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Article 86 – Research and innovation

- Mandates the Agency to assist the Commission and Member States in identifying key research themes;
- Supporting role to the Agency in the preparation and implementation of Union research programmes;
- Possibility for the Agency to participate in research projects in the area of its expertise;
- Agency may engage in ad hoc research activities.



Article 87 – Environmental protection

- Interdependencies between environmental measures and other technical domains of aviation regulation;
- Mandates the Agency to assist the Commission in the definition and coordination of aviation environmental protection policies;
- Legal basis for the Agency to publish every three years aviation environmental review.



Article 88 – Interdependencies between civil aviation safety and security

- Interdependencies between safety and security and cooperation between EASA, Member States and the Commission;
- New essential requirements on cyber-security;
- Possibility for the Commission to rely on EASA safety expertise when implementing Regulation (EC) No 300/2008 and other relevant Union legislation;
- Agency to take measures which are within the scope of its competence – airworthiness directive or safety bulletins.



Article 80 – Interdependencies between civil aviation safety and socio-economic factors

- New article on interdependencies between civil aviation safety and related socio-economic factors



Articles 68 and 90 – International cooperation

- Repository of information on:
 - ✓ differences between ICAO SARPs and EU aviation legislation;
 - ✓ other information relevant for monitoring by ICAO of MS compliance with Chicago Convention and SARPs;
- Establishment of a network of ICAO experts;
- Acceptance of 3rd country certificates;
- National BASAs to be terminated or adjusted in 3 years;
- EASA to consult Commission on working arrangements (no more prior approval);
- Right of EASA to post staff to 3rd countries formalised.



- The Agency shall contribute to the mitigation of aviation crises;
- EASA 'training academy' remains a voluntary initiative;
- Technical assistance to the Commission in the implementation of the Single European Sky.



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