in focus

a briefing from the Civil Aviation Authority - 21 November 2006

Civil Aviation Authority

EASA and National Authorities - roles and responsibilities

overview

On 28 September 2003 the European Aviation Safety Agency (EASA) was created under European Regulation 1592 of 2002. After beginning operations in temporary accommodation in Brussels, EASA moved operations during 2004 into a new building in Cologne. The Agency is currently organised in four Directorates:

- Certification
- Rulemaking
- Quality and Standardisation
- Administration.

It currently has some 225 established staff, plus another 25 in the final stages of recruitment, and the Agency plans to recruit around 170 additional staff in 2007. Subject to political decisions on the extension of scope of EASA's functions, it is expected that the long-term headcount of the Agency will be in the region of 500 to 600.

EASA is financed by a combination of fees and charges on applicants for certification, charges for services (eg training, publications), and a Community contribution. Certification activities must cover their costs, though they may be subsidised out of the Community contribution for a transitional period ending on 31 December 2007.

In the 'EASA system' both the Agency and National Aviation Authorities (NAAs) have their parts to play.

EASA has already been given responsibility for the airworthiness of aircraft registered within the EU that are within the scope of Regulation 1592. Of the 18,000 aircraft registered in the

EASA's remit now covers type certification. It plans to extend this to cover operations, airports and Air Traffic Management.

timetable

Autumn 2002
EC Regulation 1592 establishes EASA

September 2003
Agency takes on rulemaking and standardisation roles for certification and maintenance

2008/09
EASA extends remit to cover operations and licensing. Plus oversight of non-EU airlines

2010
EASA extends remit to cover Airports

2012/13
EASA extends remit to cover Air Traffic Management

all future dates are provisional

UK (with valid certificates of airworthiness or permits to fly) 55% are within the scope of this European regulation. The rest remain under national regulations as applied by the CAA - with reliance upon reports from the Popular Flying Association (PFA) or British Microlight Aircraft Association (BMAA) in many cases. Also, the European Regulations stipulate that the regulatory activities associated with many organisation approvals, as well as the issue of certificates to individual aircraft and licences to personnel, shall continue to be carried out by the NAAs, but in accordance with European regulations as standardised by EASA.

UK gliders that have previously been unregulated, will now have to hold certificates of airworthiness, issued nationally in accordance with European regulations.

At a recent European Commission conference on future regulatory structures the Commissioner, the Director General of DGTren and the EASA Executive Director all made positive comments on the continuing role of NAAs and the importance of EASA/NAA partnership. It is envisaged that any future extension of functions for EASA in regulating the Community aviation industry will be confined to rulemaking and standardisation, with NAAs implementing the rules (type certification, which is already an EASA responsibility, is an exception because of the efficiencies in a centralised process).

Set out below is a representation of how regulatory activities are allocated to EASA and to the NAAs by the European regulations. Where the regulations are still undefined or subject to change this is stated.

who does what?

- **EUROPEAN REGULATIONS:**
  The founding EC Regulation 1592/2002 defines the scope of EASA's activities, and sets the high level Essential Requirements within which more detailed Implementing Rules are laid down. Implementing Rules are drafted by EASA, and adopted by the Commission after negotiation with Member States. The Agency may then issue non-binding technical guidance on acceptable means of compliance.

  Where a regulatory activity is assigned to the NAAs by the regulations, the NAAs must act in accordance with the Implementing Rules. Except for short-term exemptions to meet urgent operational needs the NAAs do not have discretionary powers in respect of the rules. The NAAs are subject to monitoring and audit by EASA to ensure the standardisation of regulation throughout the EU.

- **REGULATION OF AIRWORTHINESS:**
  For aircraft that are within the scope of the basic Regulation the division of task between the NAAs and EASA is set out below. For aircraft that remain outside of the scope of the Regulation all of the regulatory functions will continue to be performed by the NAAs.

Initial airworthiness of aircraft subject to European regulations:

Regulatory Function	Task performed by	Charging Scheme
Certification of the type design of aircraft, engines and propellers	EASA	EASA
Approval of major modifications and major repairs designed by Type Certificate Holders for their own products	EASA	EASA
Approval of major modifications (Supplemental Type Certificates) and major repairs submitted by a Design Organisation Approval Holder who is not the Type Certificate Holder	EASA	EASA
Approval of minor modifications and minor repairs	EASA or a Design Organisation Approval Holder	EASA
Approval of Equipment	EASA	EASA
Issue of Certificates of Airworthiness to individual aircraft	NAA of State of Registry	National
Issue of Permits to Fly to individual aircraft	See Note 1 below	See Note 1 below

Note 1 - Permits to fly are issued under national procedures until 28 March 2007. There are proposals for new rules for the future issue of Permits to Fly covering: post-production/post-maintenance flights, flying without a valid Certificate of Airworthiness (such as moving an aircraft to a maintenance facility), development and certification flight testing (for the certification of a product or the approval of a modification or repair). The applicable charging scheme will be that of the body that issues the permit, which will be the NAA, EASA or an approved organisation, depending on the circumstances.

Continued Airworthiness of aircraft subject to European regulations

Regulatory Function	Task performed by	Charging Scheme
Approval and issue of Airworthiness Directives	EASA, but see Note 2 below	EASA
Approval of continued airworthiness information supplied by Type Certificate Holders for their own products	EASA	EASA
Approval of continued airworthiness information supplied by Design Organisation Approval Holders for their major modifications (Supplemental Type Certificates) and major repairs	EASA	EASA
Approval of aircraft maintenance schedules	NAA of State of Registry	National
Issue of first Airworthiness Review Certificate for an individual aircraft (at issue of Certificate of Airworthiness)	NAA of State of Registry	National
Issue of subsequent Airworthiness Review Certificates for individual aircraft	NAA of State of Registry or an Organisation with approval under Part M Subpart G	National

Note 2 - EASA only has a responsibility to issue an Airworthiness Directive when the issue is design-related. EASA has advised that when it becomes aware of an airworthiness problem that arises from production, overhaul or maintenance it will issue a Safety Information Notice (SIN) advising of the safety concern and inviting NAAs to act as they see fit. If, having reviewed the SIN, any NAA considers that mandatory action is appropriate, the NAA may impose such action on aircraft registered in its own State. For further information on the Mandatory Airworthiness Requirements applicable to aircraft registered in the UK, refer to CAA Publication CAP 747, which can be accessed via the CAA website www.caa.co.uk

Airworthiness-related Organisation Approvals - Initial approval and continued surveillance under European regulations

Organisation Approval	Task performed by	Charging Scheme
Design Organisation Part 21 Subpart J	EASA	EASA
Approval of Alternative Procedures for Design Part 21 Subpart B	EASA	EASA
Production Organisation Part 21 Subpart G	NAA of State of production	National
Approval of "Production without Production Organisation Approval" Part 21 Subpart F	NAA of State of production	National
Maintenance Organisation Part 145	Within EU - NAA of principal State of business Outside EU - EASA	National EASA
Continued Airworthiness Management Organisation Part M Subpart G	Within EU - NAA of principal State of business Outside EU - EASA	National EASA
Maintenance Organisation Part M Subpart F	Within EU - NAA of principal State of business Outside EU - EASA	National EASA
Maintenance Training Organisation Part 147 Within EU	Within EU - NAA of principal State of business Outside EU - EASA	National EASA

- **REGULATION OF AIRCRAFT OPERATIONS:**

At present aircraft operations remain regulated by the NAAs. It is expected that EASA will be become responsible for the rulemaking and standardisation of aircraft operations in phases beginning in 2008/09.

It is expected that the rules for commercial air transport operations will be equivalent to the current EU-OPS requirements. However, EASA and the European Commission are also considering what rules, if any, should be applied to non-transport commercial operations (i.e. Aerial Work) and to corporate jet operations.

The implementation of the rules governing aircraft operations by EU operators will be carried out by NAAs, and subject to monitoring and standardisation by EASA.

- **REGULATION OF LICENSING OF PERSONNEL:**

At present the licensing of personnel remains regulated by the NAAs. It is expected that EASA will become responsible for rulemaking for the licensing of pilots from 2008/09 onwards. Engineer licences are already issued in accordance with Part 66 and this is expected to continue. It is expected that the licensing rules for pilots will be equivalent to the current JAR-FCL.

Examinations and issue of licences will be carried out by NAAs, and subject to monitoring and standardisation by EASA.

- **REGULATION OF AIRPORTS AND AERODROMES:**
  It is envisaged that EASA will become responsible for rulemaking and standardisation on safety at Airports and Aerodromes in 2010 or soon thereafter. No formal proposals have yet been presented by the Commission.

- **REGULATION OF AIR TRAFFIC MANAGEMENT:**
  It is envisaged that EASA will become responsible for rulemaking and standardisation on Air Traffic Management safety maybe around 2012/13. No formal proposals have yet been presented by the Commission.

NAA assistance to EASA

At present EASA does not have the staff needed to carry out all of the tasks assigned to it. To address this shortfall in resources, EASA has entered into contracts with most NAAs to enable the Agency to use NAA staff to carry out its tasks. The NAA costs associated with contracted activities are recovered from EASA. It is important to appreciate that the tasks undertaken by the NAA staff under these contracts are not transferred or delegated to the NAAs; the tasks remain under the control of the Agency and must be carried out in accordance with EASA's procedures. Latest indications are that in order to capture the benefits of local provision the Agency will continue to outsource a percentage of its tasks indefinitely.

aircraft that remain under national regulations

Certain aircraft are excluded from the scope of the European regulations and remain subject to national regulations as applied by the NAAs.

1. EC Regulation 1592/2002 Article 1 exclusions:
Article 1(2) of the regulation excludes aircraft and associated parts and equipment that are 'engaged in military, customs, police, or similar services'. This is explained in greater detail in Airworthiness Notice 13 of CAA Publication CAP 455, which can be accessed via the CAA website www.caa.co.uk

2. EC Regulation 1592/2002 Article 4 exclusions:
This Article excludes aircraft within Annex II of the Regulation. The Annex II aircraft are: Historic aircraft, Research / one-off experimental aircraft, Amateur-built aircraft, Aircraft designed for the military (Ex-military aircraft), Microlights, Gliders under 80kg empty - single seat or 100 kg empty - two seat, Unmanned aircraft under 150 kg, Any aircraft under 70 kg without pilot.

The aircraft types categorised as Annex II by the CAA are listed in CAA CAP747.

The CAA is the UK's independent aviation regulator, with responsibility for all civil aviation regulatory functions: economic regulation; airspace policy; safety regulation; and consumer protection. Website - **www.caa.co.uk**