

# EASA

## **TERMS OF REFERENCE**

**TOR Nr:** OPS.001

**Issue:** 1

**Date:** 20 July 2006

### **Regulatory reference:**

- Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (hereafter referred to as the Basic Regulation), as amended. – Articles 7, 13, 14(1).

### **Reference documents:**

- Opinion No. 3/2004 of the European Aviation Safety Agency for amending Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, to extend its scope to the regulation, 15 December 2004. – draft Articles 7bis and 15ter.
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, “Extending the tasks of the European Aviation Safety Agency – An Agenda for 2010”, COM(2005)578 final, 15 November 2005.
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (presented by the Commission), COM(2005)579 final, 16 November 2005. – draft Articles 6b and 15b.
- Commission proposal “EU-OPS” (COM 2004/73 final) ) - Annex III to Regulation (EEC) No 3922/91.
- ICAO Annex 6.
- JAR-OPS 1 and 3;
- Draft JAR-OPS 2 and 4,
- JAA JIP's.

**1. Subject:** Extension of the Basic Regulation to Air Operations.

### **2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):**

On 15 November 2005 the European Commission adopted a proposal for the extension of the Scope of the Basic Regulation to air operation, pilot licensing and third country aircraft [COM(2005) 579 final], based on EASA's Opinion 3/2004, issued on 16 December 2004.

The main aspects of the proposal are:

- To establish in the form of essential requirements, high level safety objectives to be achieved by the regulation of air operations.
- To require all commercial operators to be subject to certification on the basis of common rules.
- To subject non-commercial operations to common rules tailored to the complexity of the aircraft used. Where such operations are conducted with complex motor-powered aircraft, the operators concerned should declare that they comply with the applicable requirements.
- To give executive powers to the Commission to adopt the necessary implementing rules and to EASA to issue as appropriate operational directives to ensure the safety of operations and certification specifications, comprising in particular standard flight time limitation schemes, as acceptable means of compliance with the essential requirements and to certify itself individual operators' flight time limitation schemes when so required to provide for uniformity and fair competition in the market.

When adopting its proposal, the Commission recommended, as suggested by the Agency itself, that common requirements to be specified in implementing rules be based as much as possible on existing material such as “EU-OPS”, JAR-OPS 1 and 3 and draft JAR-OPS 2 and 4.

### **3. Objective:**

To develop rules for the implementation of the extended Basic Regulation as regards air operations. These implementing rules should encompass requirements and related acceptable means of compliance/guidance material for:

- commercial air transport, based on existing EU-OPS/JAR-OPS 1 and 3 requirements;
- aerial work using as appropriate the draft of JAR-OPS 4;
- non-commercial operations with complex motor-powered aircraft using as appropriate the draft of JAR-OPS 2;
- non-commercial operations with non-complex motor-powered aircraft using as appropriate the input from task MDM.032;
- flight time limitations, based on EU-OPS;
- training and medical fitness of cabin crew, based on JAR-OPS 1/EU-OPS;
- competent authorities based on appropriate JAA JIP's and harmonised with similar provisions included in other implementing rules.

### **4. Specific tasks and interface issues (Deliverables):**

Development of an opinion for a Commission implementing regulation including the following elements:

- Part OPS 1 Air Transport containing specific requirements of commercial air transport operations, transferred from JAR-OPS 1/EU-OPS and 3,
- Part OPS 2 Non-commercial operations with complex motor-powered aircraft containing specific requirements applicable to operations with complex motor-powered aircraft,
- Part OPS 3 Aerial Work containing specific requirements of aerial work operations,
- Part OPS 0 General operating and flight rules containing general requirements applicable to all aircraft operations. Use shall be made of the input from task MDM.032, which includes the requirements applicable to non-complex aircraft engaged in non-commercial operations.

In the same manner coordination has to take place with drafting group FCL.001 so as to clarify operators and personnel responsibilities as regards qualification and training requirements.

Appropriate requirements for competent authorities for all Parts, based on JAA JIP's and harmonised with similar provisions included in other implementing rules.

Development of the Executive Director decisions issuing the related AMC/GM material.

No preliminary RIA was developed as it is assumed that the legislator will leave no choice than developing the necessary rules for implementing the extended regulation. It is therefore necessary to carefully evaluate the impact of the regulatory solutions envisaged when they are not based on accepted JAA material.

Due consideration shall be given to the conclusions reached during the legislative process relative to the extension of the scope of the Basic Regulation so as to adjust the deliverables to the likely result of these negotiations.

### **5. Working Methods (in addition to the applicable EASA procedures):**

The work shall be carried out by a rulemaking group.

The group may divide itself temporarily into sub-groups addressing:

- aerial work;
- non-commercial operations with complex motor-powered aircraft;
- transposition of EU-OPS and JAR-OPS 1 and 3;
- Elaboration of requirement for competent authorities derived from existing JAA JIPs.

Meetings shall be held at EASA premises in Cologne.

### **6. Time scale, milestones:**

NPA to be published by September 2007.

Opinion to be issued by May 2008.

Executive Director Decisions to be issued by October 2008.

These dates may be reviewed taking into account the legislative and comitology processes.