

ICAO Universal Safety Oversight Audit Programme

**FINAL REPORT
ON THE SAFETY OVERSIGHT AUDIT
OF THE
CIVIL AVIATION SYSTEM
OF THE
EUROPEAN AVIATION SAFETY AGENCY
(EASA)**

(23 TO 25 April 2008)



International Civil Aviation Organization

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ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME

Final Report on the Safety Oversight Audit of the European Aviation Safety Agency (EASA)

(23 to 25 April 2008)

1. INTRODUCTION

1.1 Background

1.1.1 The 32nd Session of the ICAO Assembly (Assembly Resolution A32-11 refers) resolved the establishment of the ICAO Universal Safety Oversight Audit Programme (USOAP), comprising regular, mandatory, systematic and harmonized safety audits of all Contracting States. The mandate for regular audits foresaw the continuation of the Programme, and the term “safety audits” suggested that all safety-related areas should be audited. The expansion of the Programme “at the appropriate time”, as recommended by the 1997 Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight, had thus been accepted as an integral part of the future of the Programme.

1.1.2 The 35th Session of the ICAO Assembly considered a proposal of the Council for the continuation and expansion of the USOAP as of 2005 and resolved that the Programme be expanded to cover all safety-related Annexes (Assembly Resolution A35-6 refers). The Assembly also requested the Secretary General to adopt a comprehensive systems approach for the conduct of safety oversight audits.

1.1.3 Assembly Resolution A35-6 further directed the Secretary General to ensure that the comprehensive systems approach maintain as core elements the safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation* and Annex 14 — *Aerodromes*; to make all aspects of the auditing process visible to Contracting States; to make the final safety oversight audit reports available to all Contracting States; and also to provide access to all relevant information derived from the Audit Findings and Differences Database (AFDD) through the secure website of ICAO.

1.1.4 In accordance with Assembly Resolution A35-6, safety oversight audit reports have been restructured to reflect the critical elements of a safety oversight system, as presented in ICAO Doc 9734 — *Safety Oversight Manual, Part A — The Establishment and Management of a State’s Safety Oversight System*. ICAO Contracting States, in their effort to establish and implement an effective safety oversight system, need to consider these critical elements.

1.1.5 On 15 July 2002, the European Community adopted *Regulation (EC) No 1592/2002 of the European Parliament and of the Council* on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (EASA or the Agency). This regulation provides for the transfer of regulatory competencies in the fields of airworthiness, continuing airworthiness and environmental certification from the Member States of the European Union (EU) to EASA.

1.1.6 Since the transfer of competencies to EASA reflects on the scope of the ICAO safety oversight audits under the comprehensive systems approach, ICAO performed an initial audit of EASA, from 29 November to 2 December 2005.

1.1.7 On 20 February 2008, the European Community adopted *Regulation (EC) No 216/2008 of the European Parliament and of the Council*, repealing *Regulation (EC) No 1592/2002 of the European Parliament and of the Council*. *Regulation (EC) No 216/2008* extends the scope of competence of EASA to pilot licensing, aircraft operations and aircraft used by third-country operators.

1.1.8 Taking in consideration the extension of scope of competence of EASA and additional changes within the organization since the ICAO initial safety oversight audit of 2005, ICAO performed a second audit of EASA from 23 to 25 April 2008.

1.1.9 It should be noted that ICAO Contracting States that are members of EASA will always maintain their individual responsibility for such competencies and, hence, for all audit results that are derived from the audit carried out on EASA. Once an EASA Member State's audit is completed, the latest EASA safety oversight audit report will be linked to the final safety oversight audit report of the State concerned.

1.1.10 All EU Member States who are also ICAO Contracting States have advised ICAO in writing of the transfer of such competencies to EASA. They are as follows:

Austria	Finland	Latvia	Romania
Belgium	France	Lithuania	Slovakia
Bulgaria	Germany	Luxembourg	Slovenia
Cyprus	Greece	Malta	Spain
Czech Republic	Hungary	Netherlands	Sweden
Denmark	Ireland	Poland	United Kingdom
Estonia	Italy	Portugal	

1.1.11 Norway, Iceland and Switzerland are also Member States of EASA. Although not EU members, they are nonetheless members of the European Free Trade Association (EFTA), an intergovernmental organization founded in 1960, on the basis of the EFTA Convention, to promote free trade and strengthen economic relations (the other EFTA Member State being Liechtenstein). In 2004, the European Economic Area (EEA) was created, uniting three of the four EFTA States (i.e. Iceland, Liechtenstein and Norway) with the 27 EU Member States to form an Internal Market governed by the same basic rules. Integration is achieved by the timely incorporation of European Community legislation (in particular, the regulations and directives) into the EEA Agreement. As for Switzerland, this State signed an agreement with the European Community in 2002, which provides for civil aviation in Switzerland to be governed by the same basic rules as in the European Community. The *Regulation (EC) No 216/2008 of the European Parliament and of the Council* is applicable in Norway, Iceland and Switzerland. These three States have transferred to EASA similar competencies as the EU Member States have and have notified ICAO accordingly.

1.2 ICAO audit team composition

1.2.1 The safety oversight audit team was composed of: Mr Henry Gourджи, team leader, civil aviation organization (ORG)/airworthiness of aircraft (AIR); Mr Nicolas Rallo, team member, primary aviation legislation (LEG)/aircraft accident and incident investigation (AIG); Mr Léon Vonlanthen, team member, AIR; and Ms Catherine Zuzak, observer.

1.3 Acknowledgements

1.3.1 ICAO expresses its sincere appreciation for the assistance provided to the audit team during the preparation and conduct of the audit. The professionalism and enthusiasm of all personnel who interacted

with the audit team greatly contributed to the success of the audit mission.

2. OBJECTIVES AND ACTIVITIES OF THE AUDIT MISSION

2.1 The comprehensive systems approach for the conduct of safety oversight audits consists of three phases. In the first phase, the level of implementation of Annex provisions that has been transferred to EASA is assessed through a review of a duly completed State Aviation Activity Questionnaire (SAAQ) as well as through a review of documents developed by EASA on behalf of its Member States in order to assist it in implementing SARPs and in maintaining an effective safety oversight system. In the second phase, EASA is visited by an ICAO audit team to validate the information provided by EASA and to conduct an on-site audit of EASA's overall ability to effectively implement the critical elements of a safety oversight system. The third phase of the audit process consists of the activities following the completion of the on-site audit.

2.2 The safety oversight audit of the EASA was carried out from 23 to 25 April 2008 in accordance with the standard auditing procedures provided for in ICAO Doc 9735 — *Safety Oversight Audit Manual* and an Exchange of Letters dated 10 and 24 November 2005, which approved in principle the terms of the Memorandum of Cooperation (MOC) agreed to on 22 March 2006 between EASA and ICAO.

2.3 The audit team reviewed the SAAQ and the Compliance Checklists (CCs) submitted by EASA prior to the on-site audit in order to have a preliminary understanding of its various functions as well as to assess the status of implementation of relevant Annex provisions. Information provided and assessed prior to the conduct of the audit was validated during the on-site audit phase. In this regard, particular attention was given to the presence of an adequate organization, processes, procedures and programmes established and maintained by EASA to assist it in carrying out its functions.

2.4 The audit results including the findings and recommendations contained in this report reflect the capabilities and limitations of the civil aviation system of EASA as assessed by the audit team. It is thus based on evidence made available to the audit team from interviewing EASA's technical experts and background information provided by such personnel, review and analysis of civil aviation legislation, specific regulations, related documentation and file records. Gathering of evidence was appraised by the audit team members to complete the contents of this report. Considering the time that was available to conduct the audit and the fact that the safety oversight audit team members could only review and analyse information and documentation made available by the EASA, it is possible that some safety concerns may not have been covered during the audit.

2.5 The findings and recommendations related to each audit area are found in Appendix 1 to this report.

3. AUDIT RESULTS

3.1 Critical element 1 — Primary aviation legislation

“The provision of a comprehensive and effective aviation law consistent with the environment and complexity of the State's aviation activity, and compliant with the requirements contained in the *Convention on International Civil Aviation*.”

3.1.1 European Community laws (hereinafter referred to as Community Law) constitute a legal system which has direct effect within the legal system of its Member States and overrides national law in many areas. It is classified as supranational law. In the framework of the Treaties establishing the European Communities, Community laws may take the following forms:

- *Regulations*, which are directly applicable and binding as part of the national law in all EU Member States and no action is necessary to transpose them into the national legislation;
- *Directives*, which bind Member States to the objectives to be achieved within a certain timeframe while leaving the national authorities the choice of form and means to be applied in implementing the Directives within their national legislation;
- *Decisions*, which are binding on those parties to whom they are addressed, without requiring national implementing legislation. A Decision may be addressed to any or all Member States, to enterprises or to individuals; and
- *Recommendations and Opinions*, which are not binding.

3.1.2 The legislative power in the EU is shared between the European Parliament and the Council of the European Union under a “co-decision procedure”. The Council of the European Union is the EU’s main decision-making institution. All EU States take turn presiding over the Council for a six-month period on a rotational basis. Council meetings are attended by the relevant minister from each of the Member States.

3.1.3 On 20 February 2008, the European Community adopted *Regulation (EC) No 216/2008 of the European Parliament and of the Council*, which repealed *Regulation (EC) No 1592/2002 of the European Parliament and of the Council*. *Regulation (EC) No 216/2008 of the European Parliament and of the Council* came into force on 8 April 2008 and is hereinafter referred to as the Basic Regulation.

3.1.4 The functions of the Basic Regulation include the following:

- a) It defines the scope of Community competence, creates EASA, and establishes its powers, functions and organizational structure.
- b) It establishes the division of regulatory and executive powers among EASA, the European institutions, and EASA Member States;
- c) It establishes the powers and functions of the Management Board and the Executive Director of the Agency.
- d) It delegates the necessary authority to the Executive Director to fulfil the regulatory and executive competences transferred to EASA.
- e) It grants EASA inspectors the necessary powers and authority to exercise the oversight functions of the Agency. (With respect to the inspectors of the competent authorities of the Member States, it is their national laws that empower them as a part of the Member States’ enforcement system. Nevertheless, some paragraphs of the Implementing Rules provide the competent authorities the right of access to the premises of certificate holders and those of their subcontractors.)

f) It specifies the power to revoke or suspend certificates and approvals.

3.1.5 The scope of competence of EASA, as established by the Basic Regulation, encompasses the regulation of airworthiness (Article 5 of the Basic Regulation) and environmental protection (Article 6), as well as pilot licensing (Article 7), aircraft operations (Article 8), and “aircraft used by third-country operators into, within or out of the Community” (Article 9).

3.1.6 The provisions of the Basic Regulation related to pilot licensing, aircraft operations and “aircraft used by third-country operators into, within or out of the Community” are not yet applicable, as the respective Implementing Rules have not been promulgated. According to Article 70 of the Basic Regulations, these provisions shall apply “as from the dates specified in their respective implementing rules, but not later than 8 April 2012.”

3.1.7 The Basic Regulation was adopted by the European Parliament and the Council according to the co-decision procedure, which is also applied in the adoption of amendments to the Basic Regulation. All the legislation, along with all measures and decisions related to EASA, are published on the EASA website (www.easa.eu.int). Relevant European legislation can also be found on the EUR-LEX website (<http://eur-lex.europa.eu/en/index.htm>).

3.1.8 The role of EASA is to assist the Commission by preparing proposals related to basic principles, applicability and essential requirements of civil aviation to be presented to the European Parliament and to the Council. These drafts are submitted by EASA in the form of Opinions to the Commission. EASA has established adequate procedures to initiate rulemaking process at the European Commission level for the incorporation of amendments to ICAO Annexes into its legislation.

3.1.9 In the case of Norway and Iceland, the European Community legislation is not directly binding and its transposition into the national law is required. This transposition process is overseen by a committee called the EEA Joint Committee. As Norway and Iceland have not transferred any legislative powers to the EEA Joint Committee, the transposition of European Community legislation into the Norwegian regulatory framework may, in some cases, need the approval of the national Parliament. In the case of Switzerland, the transposition of European Community legislation into the national law is overseen by a special Committee called “Community/Switzerland Air Transport Committee.”

3.1.10 EASA does not notify ICAO directly of its differences from ICAO Standards. However, EASA has established and implemented internal procedures to list all the differences, inform its Member States of such differences, and coordinate the notification by the Member States to ICAO.

3.1.11 EASA is not involved in the regulation of the implementation of Article 83 *bis* of the *Convention on International Civil Aviation* as this activity is carried out by the Member States.

3.1.12 The responsibility for the enforcement of Community laws generally rests with the EU Member States. Legal penalties for the infringement of Community law are established under the national laws, and their enforcement carried out by the competent police and/or judicial authorities of the Member States. However, as far as the Basic Regulation is concerned, enforcement responsibilities are shared between EASA and the EASA Member States. Article 10 of the Basic Regulation introduces an obligation for EASA Member States, the European Commission, and EASA to cooperate on enforcement matters as well as to exchange information on identified infringements. Provisions related to enforcement are also outlined in Articles 11, 25 and 68 of the Basic Regulation.

3.2 **Critical element 2 – Specific operating regulations**

“The provision of adequate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation and providing for standardized operational procedures, equipment and infrastructures (including safety management and training systems), in conformance with the Standards and Recommended Practices (SARPs) contained in the Annexes to the *Convention on International Civil Aviation*.

Note.— The term ‘regulations’ is used in a generic sense to include instructions, rules, edicts, directives, sets of laws, requirements, policies, orders, etc.”

3.2.1 The Basic Regulation provides for the adoption of operating regulations known as the Implementing Rules and of additional Directives or Instructions. It also establishes the competence and procedures for the adoption and amendment of the Implementing Rules, Directives and Instructions.

3.2.2 The Implementing Rules take the form of “Commission Regulations,” which are adopted by the Commission after consultation with a Committee of Experts from the Member States as part of the “Commitology Procedure” and on the basis of an Opinion prepared by EASA. Amendments to the Implementing Rules are also adopted in the same way. The Agency issues its Opinions according to its “Rulemaking Procedure” (defined by EASA Management Board decision MB/7/03 of 27 June 2003). The Commission may not change the technical content of Opinions issued by EASA without prior coordination with the Agency.

3.2.3 In accordance with the Basic Regulation, two Implementing Rules were adopted by the Commission:

- a) *Regulation (EC) No 1702/2003 of 24 September 2003*, as amended, laying down Implementing Rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organizations; and
- b) *Regulation (EC) No 2042/2003 of 20 November 2003*, as amended, relating to the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and to the approval of organizations and personnel involved in these tasks.

3.2.4 Under *Regulation (EC) No 1702/2003 of 24 September 2003*, Part 21 details the general requirements and procedures for the certification of aircraft and related products, parts and appliances and of the design and production organizations. The basis for the certification of aeronautical products is defined by EASA in the form of EASA Certification Specifications (CS), including airworthiness codes outlined in CS-23, CS-25, CS-27 and CS-29, etc.

3.2.5 *Regulation (EC) No 2042/2003 of 20 November 2003* includes Part 145 on maintenance organization approval, Part 147 on maintenance training organization approval, Part 66 on certifying staff, and Part M on continuing airworthiness.

3.3 **Critical element 3 – State civil aviation system and safety oversight functions**

“The establishment of a civil aviation authority (CAA) and/or other relevant authorities or government agencies, headed by a Chief Executive Officer, supported by the appropriate and

adequate technical and non-technical staff and provided with adequate financial resources. The State authority must have stated safety regulatory functions, objectives and safety policies.

Note.— The term ‘State civil aviation system’ is used in a generic sense to include all aviation-related authorities with aviation safety oversight responsibility which may be established by the State as separate entities, such as: CAA, airport authorities, air traffic service authorities, accident investigation authority, meteorological authority, etc.”

3.3.1 As a European Community Agency, EASA was created on the basis of the Basic Regulation to ensure that the civil aviation-related competences transferred to the European Community can be carried out effectively. These competencies are defined in Articles 20, 21 and 22 of the Basic Regulation and principally include type certification, approval of design organizations, and the approval of manufacturing and maintenance organizations outside of the European Community. The competences have recently been extended to include air operation certification, personnel licensing and aircraft used by third country operator. Headquartered in Cologne, Germany and enjoying legal person status, EASA is fully independent from the industry and service providers.

3.3.2 EASA has developed a staffing establishment plan that is taken into account in the Agency’s work programme. Regulations on staffing are developed at European Community level, and employees are recruited and graded according to these regulations. Detailed procedures have been established for the recruitment of staff. To date, the Agency employs approximately 356 staff members, with minimal turnover recorded so far.

3.3.3 Section II of the Basic Regulation defines the internal structure of EASA. A Management Board has been established; it meets at least twice a year and publishes its minutes on the EASA website. The Management Board is primarily responsible for defining the Agency’s priorities, establishing the budget, and monitoring the Agency’s operation. It is composed of one representative of each EASA Member State and one representative of the Commission. The Executive Director is appointed by the Agency’s Management Board.

3.3.4 Structurally, EASA is divided into four directorates under the supervision of the Executive Director:

- 1) the Certification Directorate,
- 2) the Rulemaking Directorate,
- 3) the Approvals and Standardisation Directorate, and
- 4) the Administrative Directorate.

3.3.4.1 Each directorate has many departments under its responsibility. In addition, the Executive Director has six departments reporting directly to him, including a Safety Analysis and Research Department that acts as the focal point for the coordination of aviation accident investigation safety recommendations and is responsible for internal coordination of the corrective actions that need to be undertaken (including actions proposed in safety recommendations). Additionally, an Internal Audit and Quality Department has been established to implement an integrated Quality Management System covering an internal audit function as well as a risk management function. This department is also primarily responsible for coordinating with all EU National Safety Oversight Coordinators (NSOCs). The functions for each directorate are established on the basis of the Basic Regulation and the Management Board Decisions.

3.3.5 The Certification Directorate is made up of four departments responsible for the airworthiness and environmental certification of all aeronautical products, parts, and appliances that are designed, manufactured, maintained or used by persons under the regulatory oversight of EASA Member States. It conducts post-certification activities, such as the approval of changes to and repairs of aeronautical products and their components, as well as the issuance of Airworthiness Directives (ADs) and Type Certificates (TCs). In addition, the Certification Directorate is also responsible for approving and overseeing the organizations involved in the design of aeronautical products, parts and appliances. It carries out the same role for foreign organizations involved in the manufacture or maintenance of such products. To implement its tasks, EASA relies on the assistance of the national aviation authorities (NAAs) of its Member States, which have historically filled this role, through contractual service agreements concluded to this effect.

3.3.6 EASA's Rulemaking Directorate is made up of five departments that contribute to the production of all EU legislation and implementation material related to the regulation of civil aviation safety and environmental compatibility. It submits Opinions to the European Commission and is consulted by the Commission on any technical question in its field of competence. It is also in charge of the related international cooperation.

3.3.7 The Approvals and Standardisation Directorate consists of four departments responsible for assisting the European Commission in ensuring the effective application and uniform understanding of Community Law by Member States. Accordingly, the Approvals and Standardisation Directorate conducts inspections of undertakings as well as of the NAAs of EASA Member States, both to monitor the application of EU rules related to aviation safety and to assess the effectiveness of these rules. This Directorate also provides internal and external technical training.

3.3.8 The Safety Analysis and Research Department reports directly to the Executive Director of EASA. The Department is made up of three sections, namely:

- 1) The *Safety Analysis Section* collects, categorizes and stores safety-related data, and carries out safety studies.
- 2) The *Accident Investigation Section* represents EASA in accident and incident investigations and collects information related to occurrences. It also processes safety recommendations addressed to EASA by various accident investigation authorities, identifies safety deficiencies and disseminates related information, and maintains coordination with European accident investigation authorities.
- 3) The *Research Management Section* is in charge of coordinating research and development activities and disseminating the results and reports of research funded by the Agency.

3.3.8.1 A European Aviation Research Partnership Group reporting to the Head of the Safety Analysis and Research Department has replaced the Joint Aviation Authorities (JAA) Research Committee. Meanwhile, the Safety Analysis and Research Department also manages the Internal Research Committee (IRC) to facilitate the internal research coordination activities within EASA.

3.3.9 EASA has also put in place an Internal Safety Committee (ISC), which is an Agency-wide committee comprising members from each of the operational Directorates (i.e. Certification, Executive, Approvals and Standardisation, and Rulemaking). Meeting about five times a year, the ISC coordinates and determines the Agency's policy on strategic and significant tactical safety issues. The ISC is chaired by the

Executive Director (or in his absence, by the Rulemaking Director) and managed by the Safety Analysis and Research Department. The ISC meetings cover a variety of topics, including the annual safety review, audits, ongoing accident investigations, standardization reports, research, safety initiatives, and operational issues.

3.3.10 Job descriptions have been defined for all EASA staff, including individual annual performance objectives.

3.3.11 Standardization activities that were once the responsibility of the JAA have now been transferred to EASA. The Basic Regulation provides the mandate for EASA to conduct standardization inspections in order to monitor the application by the national competent authorities of the Basic Regulation and its Implementing Rules. To this end, certain standardization methods and principles have been put in place with *Commission Regulation (EC) 736/2006 of 16 May 2006* on the conduct of standardization inspections.

3.3.12 The initial phase of the transfer of activities from the JAA to EASA is outlined in the *Future of JAA (FUJA) Report I* (dated 18 August 2005), while the final phase of this transition (including the disbanding of the JAA) is now included in the *Future of JAA (FUJA) Report II* (dated 19 March 2008). EASA's competences have been extended through the Safety Assessment of Foreign Aircraft (SAFA) programme, the Joint Aviation Safety Initiative (JSSI), the Research Committee, and the activities of the Human Factors steering group.

3.3.13 EASA's budget is addressed in Article 59 of the Basic Regulation, which describes the revenues contributing to this budget. The revenues of EASA essentially consist of contributions from the Community and European third countries with which the Community has concluded agreements as referred to in Article 66 of the Basic Regulation as well as fees and charges paid for services provided (including charges for publications, training and any other services provided by the Agency).

3.3.14 On the basis of the competencies of EASA as defined in Article 20 of the Basic Regulation and taking into consideration the staffing establishment plan, EASA relies on a Management Board Decision for guidelines on the allocation of approval tasks to appropriately accredited NAAs of EASA Member States to perform work using EASA procedures and under EASA responsibility.

3.3.15 Badges are issued to EASA technical staff to confirm their identity and level of access to various departments within the organization. For each certification and approval activity that is conducted outside the EASA premises, a Letter of Authorization is issued to each EASA staff member as well as to NAA staff members who are performing activities on behalf of EASA. The Letter of Authorization indicates the specific project and purpose of the inspection, including the name and badge number for each EASA staff member or passport number when prepared for an NAA staff member.

3.4 **Critical element 4 – Technical personnel qualification and training**

“The establishment of minimum requirements for knowledge and experience of the technical personnel performing safety oversight functions and the provision of appropriate training to maintain and enhance their competence at the desired level. The training should include initial and recurrent (periodic) training.”

3.4.1 EASA has an active role in the selection and recruitment of qualified technical staff in accordance with the Basic Regulation. Minimum qualification requirements have been defined for each job position and are described in detail in the vacancy notices.

3.4.2 A training policy has been established that requires the development of training programmes for each individual post, including the identification of “Individual Training Maps” for each staff member. A Technical Training Course Catalogue listing and describing all courses available to EASA staff has been developed and categorized according to initial, recurrent, specialized, technical, upgrade, and enforcement training. On-the-job-training (OJT) is provided depending on the position and staff member assessment, along with guidance material on the development of a staff member. OJT training programme is also available.

3.4.3 A comprehensive central database has been developed for all aspects related to training. Recordkeeping is set up within the Technical Training Department. All relevant documents attesting to individual competencies and initial evaluations during the hiring process are maintained by the Human Resources Department. The majority of the training courses are held in the EASA premises.

3.5 **Critical element 5 – Technical guidance, tools and the provision of safety critical information**

“The provision of technical guidance (including processes and procedures), tools (including facilities and equipment) and safety critical information, as applicable, to the technical personnel to enable them to perform their safety oversight functions in accordance with established requirements and in a standardized manner. In addition, this includes the provision of technical guidance by the oversight authority to the aviation industry on the implementation of applicable regulations and instructions.”

3.5.1 The Basic Regulation, the Implementing Rules, and all the rules adopted by EASA are available to all users on the EASA website. Some guidance material for airworthiness approvals have been developed at the European Community level and are included as part of *Regulation (EC) No 1702/2003* and *Regulation (EC) No 2042/2003*. The *Project Certification Manager’s Handbook* complements the Internal Certification Working Procedures by providing additional guidance and instructions to assist Project Certification Managers in the performance of their duties and responsibilities. The *Project Certification Manager’s Handbook* is directly linked to the *EASA Quality Manual*, which describes the Agency Quality Management System. Other internal procedures have been developed by EASA and made available via the public website to provide detailed guidance to EASA staff, the NAAs, and the industry as well as general information for the public.

3.5.2 EASA’s technical staff have access to an electronic library managed by the Agency’s Technical Training Department that ensures the permanent availability of documents such as ICAO publications and national requirements of different States. Certification archives have also been established where relevant documents received and generated during the certification process are kept.

3.5.3 For all technical airworthiness documentation held by different accredited NAAs, the current EASA-NAA service contracts give the EASA the right to access the technical documents produced during the execution of a certification task on behalf of the Agency. Furthermore, accredited NAA staff are required to follow the same procedures as EASA staff when performing tasks on behalf of EASA.

3.5.4 Through an Executive Director Decision, the Quality and Standardisation Directorate was mandated to implement a Quality Management System throughout the Agency. Accordingly, the Quality and Standardisation Directorate has established the Agency’s Quality Management System documentation, developing new procedures and improving existing ones on an ongoing basis. The Quality Management System documentation is available to all EASA staff through the EASA Intranet. Meanwhile, the Plans and Programmes Department under the Executive Directorate is responsible for developing the administrative

processes in support of the technical tasks.

3.6 Critical element 6 – Licensing, certification, authorization and/or approval obligations

“The implementation of processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.”

3.6.1 As defined in Article 20 of the Basic Regulation, EASA carries out on behalf of its Member States the functions and tasks of the State of Design, Manufacture or Registry when they are related to design approvals, including the issuance of appropriate type certificates or associated changes.

3.6.2 With respect to organizations, EASA issues and renews the certificates of:

- a. design organization within the territory of the Member States;
- b. production organizations located within the territory of the Member States, if requested by the Member State concerned; and
- c. production organizations and maintenance organizations located outside the territory of the Member States.

3.6.3 In accordance with Executive Director Decision No 2005/04, as last amended, the Agency may outsource its tasks to the NAAs either by allocation of the tasks to a Member State’s NAA, in which case the project is managed by the NAA, or by secondment of personnel, in which case the project is managed by EASA. If a task is allocated to a Member State’s NAA, EASA prepares a task allocation letter clearly defining the tasks to be performed. An NAA that has been accredited to perform an EASA task is selected and performs a technical investigation. Once the technical investigation is completed, the NAA issues a technical visa based upon which EASA will issue the final approval decision. With respect to personnel seconded for the project, NAA staff are selected to participate in the team based on their qualifications. In both cases, EASA procedures are used.

3.6.4 For each certification or validation application accepted by EASA, the Certification Manager would nominate a Project Certification Manager and, if appropriate, a deputy Project Certification Manager, and then selects specialist team members. In principle, EASA uses internal resources rather than external ones, but this depends on the availability of specialists. If EASA Project Certification Managers or specialists are not available, then for simpler projects requiring a lower level of specialist expertise or for smaller teams than required for large transport aircraft, the Product Certification Manager may propose NAA counterparts.

3.6.5 Annex II of the Basic Regulation defines aircraft that are excluded from the Agency’s remit and remain under NAA regulations. These include:

- a. historic aircraft,
- b. aircraft built by amateurs,
- c. aircraft designed originally for military purposes,
- d. research/experimental aircraft, and
- e. gyroplanes and gliders.
- f. aeroplanes, helicopters and powered parachutes with no more than two seats and with specific maximum take-off mass as well as flight and stall speed.

3.6.6 Type Certificates issued by Member States prior to 28 September 2003 are “grandfathered” and considered to be in compliance with EASA Part-21. In addition, EASA has issued 78 other kinds of Type Certificates — 55 for Engines and 23 for Propellers. The Type Certificate Data Sheets prepared by EASA as a supplement to the Type Certificates are detailed and comprehensive.

3.6.7 EASA issues a Design Organization Approval (DOA) when an applicant meets the requirements set forth in EASA Part-21, Subpart J.

3.6.8 The Production Organization Approval (POA) for products, parts and appliances are issued by EASA as stated in Part 21, Section A, Subpart G. To date, EASA has issued one POA for the manufacture of a complete aircraft and 12 POAs for the approval of parts and equipment. The terms for each approval are clearly stated in GM 21A.151 to Part-21, Subpart G, with additional details provided in reference to the relevant section of the production organization exposition manual as indicated in the POA certificate. Moreover, if the competent authority determines that Part 21, Section A, Subpart G is inappropriate, Part 21, Section A, Subpart F “production without a POA” applies. GM 21A.124(b)(1)(i) to Part 21, Subpart F clarifies the main difference between Subparts F and G requirements which is the existence of a quality system. It specifies that the absence of an adequate quality system can be justified by one or a combination of the following parameters:

- a. no flow production (infrequent or low volume of production);
- b. simple technology (enabling effective inspection phases during the manufacturing process); and
- c. very small organization.

3.6.9 The issuance of maintenance organization approvals (MOAs) outside the EU in accordance with Part-145 of *Regulation (EC) No 2042/2003 of 20 November 2003* falls under the responsibility of EASA. Part-145 approvals are required for the maintenance of large aircraft and aircraft used in commercial air transportation.

3.6.10 In addition, *Regulation (EC) No 2042/2003 of 20 November 2003* provides for approval of continuing airworthiness management organization (CAMO). An approved CAMO may:

- a. manage the continuing airworthiness of non-commercial air transport aircraft as listed on the approval certificate;
- b. manage the continuing airworthiness of commercial air transport aircraft when listed on its air operator certificate; and
- c. arrange to carry out any task of continuing airworthiness within the limitation of its approval with another organization that is working under its quality system.

3.6.11 For organizations registered in one of the Member States, a CAMO may additionally be approved to:

- a. issue an airworthiness review certificate (ARC), or
- b. make a recommendation for airworthiness review to a Member State of Registry.

3.6.12 The management of all applications from non-EU countries for maintenance training organization approvals (MTOAs) (Part-147), CAMO approvals, and Part M, Subpart F (“Maintenance Organization”) approvals, along with the issuance of the related certificates and their continued surveillance, is also the competence of EASA.

3.6.13 *Regulation (EC) No 1702/2003 of 24 September 2003*, Part 21, Subpart H (“Airworthiness Certificates”) outlining the requirements for the issuance of individual Certificates of Airworthiness came into effect on 28 September 2004. Accordingly, the NAAs within the EU are responsible for the issuance of Certificates of Airworthiness in accordance with those requirements. Certificates of Airworthiness are issued on a continuing basis and have to be accompanied by an ARC to be valid. For aircraft entering the registry of an EU Member State for the first time, the ARC is issued by the NAA. For aircraft in service, the ARC may be issued by a CAMO or by the NAA.

3.6.14 All certificates of approval which have been issued under *Regulation (EC) No 1702/2003 of 24 September 2003* and *Regulation (EC) No 2042/2002 of 20 November 2003* remain valid as long as the certificate holder continues to comply with the relevant requirements under which the approval was issued.

3.6.15 As of 30 March 2007, EASA has received competence to approve all flight conditions, the basis of which a permit to fly may be issued by an EASA Member State or by an appropriately approved DOA or POA holder based on *Regulation (EC) No 375/2007 of 30 March 2007*.

3.7 **Critical element 7 – Surveillance obligations**

“The implementation of processes, such as inspections and audits, to proactively ensure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State to undertake an aviation-related activity for which they have been licensed, certified, authorized and/or approved to perform. This includes the surveillance of designated personnel who perform safety oversight functions on behalf of the CAA.”

3.7.1 As described in 3.6.3, EASA allocates certification tasks to the NAAs of its Member States in accordance with Executive Director Decision No 2005/04 and Management Board Decision 02-2007 dated 28 March 2007. This allocation is carried out using an accreditation procedure. EASA has established an annual surveillance programme requiring visits to the accredited certifying entities at least once in a two-year period. Surveillance audits are performed, and all results including follow-up actions are monitored.

3.7.2 EASA has developed a formal schedule of surveillance of its foreign production organizations. Surveillance visits are performed at least once a year, while complete reviews of the organizations are conducted every 24 months.

3.7.3 EASA teams conduct design organization surveillance in accordance with the *Design Organization Approval (DOA) Handbook*. Surveillance activities are carried out on a three-year cycle, starting from the date when the DOA is granted. A surveillance report is submitted every year by the Design Organization Approval Team Leader (DOATL) for approval by the EASA Design Organization Manager. The DOATL establishes a programme at the beginning of the surveillance cycle and amends it every year. The surveillance is made up of audits, information derived from approval processes of design data (i.e. Type Certification, supplemental type certification, design changes or repair design), and continuing airworthiness activities, as well as review of the revisions of existing procedures and handbook and new procedures.

3.8 **Critical element 8 – Resolution of safety concerns**

“The implementation of processes and procedures to resolve identified deficiencies impacting aviation safety, which may have been residing in the aviation system and have been detected by the regulatory authority or other appropriate bodies.

Note.— This would include the ability to analyse safety deficiencies, forward recommendations, support the resolution of identified deficiencies as well as take enforcement action, when appropriate.”

3.8.1 Article 20 (1) of the Basic Regulation provides for EASA to carry out on behalf of EU Member States “the functions and tasks of the state of design, manufacture or registry when related to design approval” and also to “ensure the continuing airworthiness functions associated with products, parts and appliances which are under its oversight.” EASA has developed an occurrence reporting system in accordance with Acceptable Means of Compliance (AMC) 20-8 (reference Decision No 12/2003 of 5 November 2003 on general acceptable means of compliance for airworthiness of products, parts and appliances “AMC 20”). Not all reportable events generated by AMC 20-8 need to be investigated by EASA. This procedure is applicable only to reportable events linked to design, having an implication upon the certification or maintenance aspects of aircraft, products, parts and appliances. Additionally, the Agency has installed a data system for tracking occurrence reports and all occurrence reports coming to the attention of the Safety Analysis and Research Department are entered into this data system.

3.8.2 An Internal Working Procedure entitled *Continuing Airworthiness of Type Design Procedure (CAP)* outlines procedures on the issuance of ADs by EASA to ensure the continuing airworthiness of aeronautical products, parts and appliances. EASA thus assumes the responsibilities of a State of Design or of a State of Registry in relation to the design of aeronautical products, parts and appliances. The dissemination of ADs to aircraft owners remains however the responsibility of the State of Registry. For products, parts and appliances, for which EASA only exercises the design responsibilities of the State of Registry, its policy is to endorse automatically the ADs issued by the State of Design, except when it itself issues a different AD before the date of effectivity of the State of Design’s AD. Only those ADs issued by EASA itself are published. The criteria for issuance of an AD are defined in Part 21A.3B and associated AMC material.

3.8.3 In order to coordinate the response to safety recommendations addressed to EASA by the various accident investigation authorities, EASA has set up an “Internal Accident Investigation Committee” (IAIC) made up of appointed representatives of the Executive, the Certification, the Approvals and Standardisation, and the Rulemaking Directorates. The IAIC is responsible for monitoring the follow up actions undertaken by the Agency’s Departments with respect to safety recommendations. The IAIC meets about four times a year to discuss agendas proposed by the Accident Investigation Section of the Safety Analysis and Research Department. At the meetings, the IAIC also reviews the draft replies to be sent to the accident investigation authorities regarding safety recommendations. Meanwhile, report on the status of safety recommendations that have been received by EASA is presented at the meetings of the Internal Safety Committee (ISC). While EASA has established procedures to ensure that all safety recommendations received are acted upon in an efficient and coordinated manner, these procedures do not include the following: a deadline for EASA to respond to the States that have issued safety recommendations, the action that EASA has taken, the action under consideration or the reason why no action will be taken. Presently, efforts are ongoing to recruit more staff to administer safety recommendations and enhance coordination with the investigation authorities.

3.8.4 EASA uses the ECCAIRS (European Co-ordination Centre for Aviation Incident Reporting Systems) software to store occurrence data and works with the Joint Research Committee (JRC), an agency of the European Commission which is responsible for the development and management of the ECCAIRS system, by providing instructors and training material for ECCAIRS courses. Some of these courses are hosted by EASA in Cologne. The Agency’s database integrates data from several sources, including ICAO and other organizations. EASA also plays an active role in activities related to taxonomy developments and coding standardization.

3.8.5 With a view to informing the public of the general safety level in the field of civil aviation, and as required by Article 15 (4) of the Basic Regulation, EASA publishes an Annual Safety Review based on the safety-related data collected by EASA as well as the data and statistics made available by ICAO. The Safety Analysis Section publishes external reports, including the Annual Safety Review, and internal studies, which are used within EASA.

4. STATE AVIATION ACTIVITY QUESTIONNAIRE (SAAQ)

4.1 The SAAQ is one of the major tools required for conducting a comprehensive systems approach-based safety oversight audit. As such, EASA is required to complete the SAAQ and submit it to ICAO for proper evaluation and recording. The submitted information enables ICAO to maintain an up-to-date database on EASA's activities. EASA has submitted its SAAQ to ICAO, which can be found at www.icao.int/soa.

5. COMPLIANCE CHECKLISTS (CCs)

5.1 The CCs are one of the main tools used in the conduct of safety oversight audits under the comprehensive systems approach. As such, EU Member States and EASA are required to complete the CCs and submit them to ICAO for evaluation and recording. The submitted information enables ICAO to maintain an up-to-date database on the auditees' level of compliance to the ICAO SARPs and assist in facilitating the conduct of a standardized audit of all Contracting States, including EASA. As a result, the auditees will be enabled to have a clear picture of the implementation status of the relevant SARPs. EASA has submitted its CCs to ICAO, which can be found at www.icao.int/soa.

6. FOLLOW-UP ACTION

6.1 In accordance with the MOC and Exchange of Letters agreed to between EASA and ICAO, EASA submitted an action plan on 11 September 2008 and an update on 15 December 2008. The action plan submitted was reviewed by the Safety Oversight Audit (SOA) Section and was found to fully address all of the findings and recommendations contained in this report. The proposed action plan, including comments and clarifications provided by the State, is attached as Appendix 2 to this report. Comments by ICAO on each corrective action are found in Appendix 1 to this report.

APPENDIX 1

APPENDIX 1-1-01
FINDINGS AND RECOMMENDATIONS RELATED TO
PRIMARY AVIATION LEGISLATION AND CIVIL AVIATION REGULATIONS

Auditee: Audit Period: 23/04/2008 - 25/04/2008	LEG/01 1.025; 5.007;
DOCUMENT REFERENCE: Refer to Doc 9735, Appendix F for the document reference(s) associated with the protocol questions identified in this finding.	
CE-1 CE-2 X CE-3 CE-4 CE-5 CE-6 CE-7 CE-8	
FINDING: EASA is responsible for assisting its Member States in identifying differences between the ICAO SARPs and the European Community legislation. To this end, EASA has established internal procedures to review ICAO State letters and, inter alia, make recommendations to EASA Member States regarding any differences that they should notify to ICAO. These procedures contain performance targets regarding the timeline for EASA to send such recommendations to its Member States. However, in the case of Amendment 100 to ICAO Annex 8, EASA did not comply with these timelines and the recommendation was sent to the EASA Member States later than the deadline given by ICAO for Contracting States to notify any difference.	
RECOMMENDATION: EASA should ensure that a system is in place to ensure compliance with the timelines that EASA has established for providing its Member States with recommendations regarding the differences with ICAO SARPs that should be notified to ICAO by these States.	
CORRECTIVE ACTION PLAN PROPOSED BY THE STATE: Corrective action plan and comments submitted by the State are found at Appendix 2-1-1 of this report. <div style="text-align: right;">Estimated Implementation Date: 31/03/2009</div>	
COMMENTS BY ICAO: The corrective action plan submitted by EASA fully addresses this ICAO finding and recommendation.	

**APPENDIX 1-2-01
FINDINGS AND RECOMMENDATIONS RELATED TO
CIVIL AVIATION ORGANIZATION**

Auditee: Audit Period: 23/04/2008 - 25/04/2008	ORG/01 2.011; 2.019;
DOCUMENT REFERENCE: Refer to Doc 9735, Appendix F for the document reference(s) associated with the protocol questions identified in this finding.	
CE-1 CE-2 CE-3 X CE-4 CE-5 CE-6 CE-7 CE-8	
FINDING: EASA has not reached a formal agreement with its Member States regarding the modalities and status of participation of representatives of EASA and representatives of Member States' bodies (in particular, representatives from the accident investigation authorities) in accident and serious incident investigations involving aircraft whose type certificate is delivered by EASA.	
RECOMMENDATION: EASA should reach a formal agreement with its Member States regarding the modalities and status of participation of representatives of EASA and representatives of Member States' bodies (in particular, representatives from the accident investigation authorities) in accident and serious incident investigations involving aircraft whose type certificate is delivered by EASA.	
CORRECTIVE ACTION PLAN PROPOSED BY THE STATE: Corrective action plan and comments submitted by the State are found at Appendix 2-2-1 of this report. <div style="text-align: right;">Estimated Implementation Date: 01/04/2015</div>	
COMMENTS BY ICAO: The corrective action plan submitted by EASA fully addresses this ICAO finding and recommendation.	

**APPENDIX 1-3
FINDINGS AND RECOMMENDATIONS RELATED TO
PERSONNEL LICENSING AND TRAINING**

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**APPENDIX 1-4
FINDINGS AND RECOMMENDATIONS RELATED TO
AIRCRAFT OPERATIONS CERTIFICATION AND SUPERVISION**

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**APPENDIX 1-5-01
FINDINGS AND RECOMMENDATIONS RELATED TO
AIRWORTHINESS OF AIRCRAFT**

Auditee: Audit Period: 23/04/2008 - 25/04/2008	AIR/01 5.607; 5.609;
DOCUMENT REFERENCE: Refer to Doc 9735, Appendix F for the document reference(s) associated with the protocol questions identified in this finding.	
CE-1 CE-2 CE-3 CE-4 CE-5 CE-6 CE-7 CE-8 X	
FINDING: In accordance with Article 15 of the Basic Regulation and paragraphs 4.2.4 and 4.2.5 of the procedures document C.P006-01 entitled the <i>Continuing Airworthiness of Type Design Procedure (CAP)</i> , EASA and the National Aviation Authorities (NAAs) of the EASA Member States shall exchange any available safety-related information, including maintenance and operations-related issues, with all Member States and other affected parties, as appropriate. However, EASA has yet to establish the details regarding its reporting system, including the nature of the information to be exchanged and the exchange procedures.	
RECOMMENDATION: EASA should develop its reporting system on safety-related information (including adequate internal procedures) to enable its Member States to report safety-related information, including maintenance and operations-related issues.	
CORRECTIVE ACTION PLAN PROPOSED BY THE STATE: Corrective action plan and comments submitted by the State are found at Appendix 2-5-1 of this report. <div style="text-align: right;">Estimated Implementation Date: 01/01/2015</div>	
COMMENTS BY ICAO: The corrective action plan submitted by EASA fully addresses this ICAO finding and recommendation.	

APPENDIX 1-5-02
FINDINGS AND RECOMMENDATIONS RELATED TO
AIRWORTHINESS OF AIRCRAFT

Auditee: Audit Period: 23/04/2008 - 25/04/2008	AIR/02 5.541;
DOCUMENT REFERENCE: Refer to Doc 9735, Appendix F for the document reference(s) associated with the protocol questions identified in this finding.	
CE-1 CE-2 CE-3 CE-4 CE-5 CE-6 X CE-7 CE-8	
FINDING: The Certification Directorate has created a Maintenance Review Board (MRB) Section as part of the Flight Standards Department. MRB procedures have been developed for the conduct of activities including the recommended MRB report format and content. However, the procedures were recently developed and have yet to be approved.	
RECOMMENDATION: EASA should approve its draft MRB procedures.	
CORRECTIVE ACTION PLAN PROPOSED BY THE STATE: Corrective action plan and comments submitted by the State are found at Appendix 2-5-2 of this report. <p style="text-align: right;">Estimated Implementation Date: 28/02/2009</p>	
COMMENTS BY ICAO: The corrective action plan submitted by EASA fully addresses this ICAO finding and recommendation.	

**APPENDIX 1-5-03
FINDINGS AND RECOMMENDATIONS RELATED TO
AIRWORTHINESS OF AIRCRAFT**

Auditee: Audit Period: 23/04/2008 - 25/04/2008	AIR/03 5.187;								
DOCUMENT REFERENCE: Refer to Doc 9735, Appendix F for the document reference(s) associated with the protocol questions identified in this finding.									
<table style="width: 100%; border: none;"> <tr> <td style="border: none;">CE-1</td> <td style="border: none;">CE-2</td> <td style="border: none;">CE-3</td> <td style="border: none;">CE-4</td> <td style="border: none;">CE-5</td> <td style="border: none;">CE-6 X</td> <td style="border: none;">CE-7</td> <td style="border: none;">CE-8</td> </tr> </table>		CE-1	CE-2	CE-3	CE-4	CE-5	CE-6 X	CE-7	CE-8
CE-1	CE-2	CE-3	CE-4	CE-5	CE-6 X	CE-7	CE-8		
FINDING: The reference to <i>Regulation (EC) No 1592/2002 of the European Parliament and of the Council</i> (also known as the Basic Regulation) on EASA Form 25 (Certificate of Airworthiness) does not adequately define the airworthiness design code for each aircraft in compliance with ICAO Annex 8. Furthermore, <i>Regulation (EC) No 1592/2002</i> , which is mentioned in field 5 of the EASA form, has been repealed with the entry into force on 8 April 2008 of <i>Regulation (EC) No 216/2008 of the European Parliament and of the Council</i> . EASA Form 25 has not been updated accordingly.									
RECOMMENDATION: EASA should revise EASA Form 25 to include an adequate reference to the airworthiness design code on which the airworthiness of aircraft is based as well as to update field 5 of EASA Form 25 to include the new legislative reference.									
CORRECTIVE ACTION PLAN PROPOSED BY THE STATE: Corrective action plan and comments submitted by the State are found at Appendix 2-5-3 of this report. <div style="text-align: right;">Estimated Implementation Date: 30/06/2009</div>									
COMMENTS BY ICAO: The corrective action plan submitted by EASA fully addresses this ICAO finding and recommendation.									

APPENDIX 1-6-01
FINDINGS AND RECOMMENDATIONS RELATED TO
AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

Auditee: Audit Period: 23/04/2008 - 25/04/2008	AIG/01 6.425;								
DOCUMENT REFERENCE: Refer to Doc 9735, Appendix F for the document reference(s) associated with the protocol questions identified in this finding.									
<table style="width: 100%; border: none;"> <tr> <td style="border: none;">CE-1</td> <td style="border: none;">CE-2</td> <td style="border: none;">CE-3</td> <td style="border: none;">CE-4</td> <td style="border: none;">CE-5</td> <td style="border: none;">CE-6</td> <td style="border: none;">CE-7</td> <td style="border: none;">CE-8 X</td> </tr> </table>		CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	CE-7	CE-8 X
CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	CE-7	CE-8 X		
FINDING: EASA has established procedures to ensure that safety recommendations addressed to EASA as a result of aircraft accident and incident investigations are acted upon. However, these procedures do not include a deadline for EASA to respond to the State issuing the safety recommendation, the action that EASA has taken, the action under consideration or the reason why no action will be taken. Cases were found of safety recommendations addressed to EASA in 2005, for which no responses have been forwarded by EASA to the States issuing the safety recommendations.									
RECOMMENDATION: EASA should establish procedures to ensure that a State which has issued a safety recommendation to EASA will be informed in a timely manner of the preventive action that EASA has taken, the action under consideration or the reason why no action will be taken.									
CORRECTIVE ACTION PLAN PROPOSED BY THE STATE: Corrective action plan and comments submitted by the State are found at Appendix 2-6-1 of this report. <div style="text-align: right;">Estimated Implementation Date: 31/01/2009</div>									
COMMENTS BY ICAO: The corrective action plan submitted by EASA fully addresses this ICAO finding and recommendation.									

**APPENDIX 1-7
FINDINGS AND RECOMMENDATIONS RELATED TO
AIR NAVIGATION SERVICES**

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**APPENDIX 1-8
FINDINGS AND RECOMMENDATIONS RELATED TO
AERODROMES**

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APPENDIX 2

APPENDIX 2-1-1

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO PRIMARY AVIATION LEGISLATION AND
CIVIL AVIATION REGULATIONS**

AUDIT FINDING LEG/01		
<p>EASA is responsible for assisting its Member States in identifying differences between the ICAO SARPs and the European Community legislation. To this end, EASA has established internal procedures to review ICAO State letters and, inter alia, make recommendations to EASA Member States regarding any differences that they should notify to ICAO. These procedures contain performance targets regarding the timeline for EASA to send such recommendations to its Member States. However, in the case of Amendment 100 to ICAO Annex 8, EASA did not comply with these timelines and the recommendation was sent to the EASA Member States later than the deadline given by ICAO for Contracting States to notify any difference.</p>		
EASA'S COMMENTS AND OBSERVATIONS*		
<p>EASA agrees with the finding of the ICAO audit team.</p>		
CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>A new procedure is being implemented. This procedure is monitored by the European Commission and involves EASA and the Member States. It provides Member States with the possibility to comment on draft recommendations. The EU Commission will use its existing Circa platform for ICAO matters, by creating a dedicated subfolder "ICAO State Letters".</p>	<p>European Commission</p>	<p>1st Quarter 2009</p>
<p>To comply with this new procedure, EASA has developed an internal procedure, reference R.P003-01, that will be implemented on the new State Letters, as soon as the Member States have nominated their Focal Points involved in the review process.</p>	<p>EASA</p>	<p>1st Quarter 2009</p>
<p>The new procedure being implemented foresees an overall time span of 9 weeks maximum between the date of publication of the State Letter on the ICAO website and the publication of the final recommendation to Member States.</p>		

* Text reproduced as submitted by EASA

APPENDIX 2-1-1 (CONT.)

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO PRIMARY AVIATION LEGISLATION AND
CIVIL AVIATION REGULATIONS**

CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
Compliance with the set timeframe will be monitored through a dedicated indicator.		

* Text reproduced as submitted by EASA

APPENDIX 2-2-1

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO CIVIL AVIATION ORGANIZATION**

AUDIT FINDING ORG/01		
<p>EASA has not reached a formal agreement with its Member States regarding the modalities and status of participation of representatives of EASA and representatives of Member States' bodies (in particular, representatives from the accident investigation authorities) in accident and serious incident investigations involving aircraft whose type certificate is delivered by EASA.</p>		
EASA'S COMMENTS AND OBSERVATIONS*		
<p>EASA agrees with the finding of the ICAO audit team.</p>		
CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>Community legislation concerning Member States Accident Investigation Authorities needs to be updated to take account of the common rules in the field of civil aviation and the establishing of EASA. To ensure a high and uniform level of protection of the European citizen, EASA and Member States Accident Investigation Authorities must work together.</p> <p>To bring about working arrangements between the parties action plans are proposed. One addresses interim working arrangement and the other addresses updated rules. Both must contain the modalities and status of participation of representatives in accident and serious incident investigations.</p> <p>1) Short-Term: Working arrangements shall be tabled and discussed with the aim of agreement between EASA and Member States Accident Investigation Authorities. EASA shall develop and implement the associated internal procedures.</p> <p>Agreement by 1st April 2009 Entry into force by 1st October 2009</p>	<p>EASA and Member States AIB</p>	<p>1st October 2009 (see details in 1st column)</p>

* Text reproduced as submitted by EASA

APPENDIX 2-2-1 (CONT.)

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO CIVIL AVIATION ORGANIZATION**

CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>2). Long-Term: New Community legislation concerning accident and serious incident investigations in Member States shall be put in place. EASA shall update and implement the associated internal procedures.</p> <p>Action – European Commission.</p> <p>Implementation – Completion of consultations: on or before 1 April 2009. Draft Legislation: on or before 1 April 2010. Publication of Legislation: on or before 1 April 2014. Entry into force: on or before 1 April 2015.</p>	European Commission	1st April 2015 (see details in 1st column)

* Text reproduced as submitted by EASA

APPENDIX 2-3

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO PERSONNEL LICENSING AND TRAINING**

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APPENDIX 2-4

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRCRAFT OPERATIONS
CERTIFICATION AND SUPERVISION**

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APPENDIX 2-5-1

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRWORTHINESS OF AIRCRAFT**

AUDIT FINDING AIR/01		
<p>In accordance with Article 15 of the Basic Regulation and paragraphs 4.2.4 and 4.2.5 of the procedures document C.P006-01 entitled the <i>Continuing Airworthiness of Type Design Procedure (CAP)</i>, EASA and the National Aviation Authorities (NAAs) of the EASA Member States shall exchange any available safety-related information, including maintenance and operations-related issues, with all Member States and other affected parties, as appropriate. However, EASA has yet to establish the details regarding its reporting system, including the nature of the information to be exchanged and the exchange procedures.</p>		
EASA'S COMMENTS AND OBSERVATIONS*		
<p>EASA agrees with the finding of the ICAO audit team.</p>		
CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>1) <u>Short-term Action Plan:</u></p> <p>The issue of the exchange of safety-related information was discussed at a meeting called by the EC on the subject on 20 November 2008. At present only few States report occurrences into the Central European Repository (CER). Access to the CER by States and the Agency is difficult. It requires access via the web, it does not permit downloading data and key information is withheld.</p> <p>The meeting revealed that States were reluctant to provide data into the CER because of fear that the data could be misused. In addition, the present approach by the EC to withhold all identifying information, including the narrative of the report, was considered unsatisfactory for in-depth analysis.</p> <p>The Agency observed that without some identifying information its work in the field of exchange of safety data will be impaired.</p>		

* Text reproduced as submitted by EASA

APPENDIX 2-5-1 (CONT.)

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRWORTHINESS OF AIRCRAFT**

CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>The meeting agreed that a new approach needs to be tried. It would involve a working group of States, EASA, Eurocontrol and the EC to develop a protocol that would bind the parties using the data to confidentiality rules. It was expressed that with such a protocol in place, the free flow of data into the Central European Repository could start. A protocol would also be a means that would assist the Agency in obtaining full access to all data in the CER, including the registration of the aircraft. In addition, it would permit the sharing of its occurrence data obtained via Form 44 with States via the CER.</p> <p>The working group is expected to make recommendations to the ECCAIRS Steering Committee envisaged in March 2009. If accepted, the tools would be at hand to facilitate reporting to the CER as well as analysis of the data contained by the Agency. Acceptance would be expected by Q3 of 2009. Data analysis could then start in Q4.</p> <p>Free access to occurrence data from States reported under Directive 42/2003 is considered a means to meet the requirements of Article 15 of the Basic Regulation.</p> <p>2) <u>Long-term Action Plan:</u></p> <p>For the long-term, EASA has planned to implement the following rules for the occurrence reporting:</p> <p>“In addition to the reports required by the applicable legislation on occurrence reporting in civil aviation, the competent authority shall provide reports on safety significant occurrences to the Agency.”</p>	<p align="center">European Commission, EASA and the Member States</p>	<p align="center">2009 (see details in 1st column)</p>

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APPENDIX 2-5-1 (CONT.)

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRWORTHINESS OF AIRCRAFT**

CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>and, regarding exchange of information:</p> <p>“(a) In order to contribute to the improvement of air safety, the competent authorities shall participate in a mutual exchange of all necessary information , including all finding raised and follow-up actions taken as a result of oversight of persons and organisations exercising activities on the territory of a Member State.</p> <p>(b) Without prejudice to the competencies of the Member States, in cases involving more than one Member State, the concerned competent authorities shall assist each other in carrying out the necessary oversight action.”</p> <p>These new rules for the competent authorities are part of the NPA 2008-22.</p> <p>It is anticipated that these provisions will be published in 2010 and they will be applicable, at latest, on 8 April 2012, for crew and operations related issues, and around 2015 for airworthiness related issues.</p>	<p>EASA</p>	<p>Between 2010 and 2015 (see details in 1st column)</p>

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APPENDIX 2-5-2

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRWORTHINESS OF AIRCRAFT**

AUDIT FINDING AIR/02		
<p>The Certification Directorate has created a Maintenance Review Board (MRB) Section as part of the Flight Standards Department. MRB procedures have been developed for the conduct of activities including the recommended MRB report format and content. However, the procedures were recently developed and have yet to be approved.</p>		
EASA'S COMMENTS AND OBSERVATIONS*		
<p>EASA agrees with the finding of the ICAO audit team.</p>		
CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>One procedure C.P005 and one Work Instruction C.I011 (to supersede the chapter 16 of the JAA book) are currently being finalised in order to describe the technical MRB process, including the MRB report format and content (as already defined in the JAA book chapter 16)</p> <p>It shall be noted that the purely administrative part of the MRB process will be described in the procedure E.P012 under the responsibility of Plans and Programmes department.</p>	<p>EASA</p>	<p>28 February 2009</p>

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APPENDIX 2-5-3

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRWORTHINESS OF AIRCRAFT**

AUDIT FINDING AIR/03		
<p>The reference to Regulation (EC) No 1592/2002 of the European Parliament and of the Council (also known as the Basic Regulation) on EASA Form 25 (Certificate of Airworthiness) does not adequately define the airworthiness design code for each aircraft in compliance with ICAO Annex 8. Furthermore, Regulation (EC) No 1592/2002, which is mentioned in field 5 of the EASA form, has been repealed with the entry into force on 8 April 2008 of Regulation (EC) No 216/2008 of the European Parliament and of the Council. EASA Form 25 has not been updated accordingly.</p>		
EASA'S COMMENTS AND OBSERVATIONS*		
<p>EASA agrees with the finding of the ICAO audit team.</p>		
CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>The Agency intends to resolve the finding by publishing an NPA proposing a new guidance material to Part-21 that would be relative to certificates of airworthiness categories. Specifically this guidance material would consist in adding a paragraph 4 to GM 21B.325 (a) to clarify what statements should be introduced into the block 4 (Categories) of Form 25. This Guidance material reproduces the content of the letter sent to Member States on 16 March 2004 on the same issue. A draft NPA is already well advanced. Using the new Management Board procedure concerning the rulemaking procedure (MB 08-2007 dated 13 June 2007) that allow a simplified process for guidance material, we should be able to adopt such guidance at the latest during the first quarter 2009.</p> <p>Concerning the update of the Form 25 to reflect that regulation 1592/2002 has been repealed and replaced by Regulation 216/2008, the Agency plans to use the comment response document of NPA 2008-06 (Restricted type-certificates and restricted certificates of airworthiness) to inform stakeholders of such update. The update will be included in the corresponding opinion to be issued during the second quarter of 2009.</p>	<p>EASA</p>	<p align="center">First quarter 2009</p> <p align="center">Second quarter 2009</p>

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APPENDIX 2-6-1

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION**

AUDIT FINDING AIG/01		
<p>EASA has established procedures to ensure that safety recommendations addressed to EASA as a result of aircraft accident and incident investigations are acted upon. However, these procedures do not include a deadline for EASA to respond to the State issuing the safety recommendation, the action that EASA has taken, the action under consideration or the reason why no action will be taken. Cases were found of safety recommendations addressed to EASA in 2005, for which no responses have been forwarded by EASA to the States issuing the safety recommendations.</p>		
EASA'S COMMENTS AND OBSERVATIONS*		
<p>EASA agrees with the finding of the ICAO audit team related to the deadline to respond to the State within the current procedure. However, EASA would like to make the following observation related to the 2nd part of the finding:</p> <p>During the period September 2003 to September 2006 the Agency was developing its capability, resources and relationships with the Member States' Accident Investigation Authorities. ICAO observed this process at the audit of 29 November – 2 December 2005.</p> <p>During this transition period Member States Accident Investigation Authorities began to change their procedures and address EASA directly with Safety Recommendations in addition to their National Aviation Authorities. EASA inherited the follow-up of many open Safety Recommendations from the Member States' National Aviation Authorities.</p> <p>Some overlap occurred in this transition period where the status of a small number of Safety Recommendations had to be determined. Today, all Safety Recommendations from that period that remained relevant have been provided with a response to the issuing authority.</p>		
CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>In accordance with ICAO Annex 13 paragraph 6.10 and the EASA internal procedure on the follow-up of Safety Recommendations: When EASA receives a formal Safety Recommendation it will inform the proposing Accident Investigation Authority of the preventive action taken or under consideration, or the reasons why no action will be taken. EASA may take a preventive action other than the Safety Recommendation.</p>	<p>EASA</p>	<p>31 January 2009</p>

* Text reproduced as submitted by EASA

APPENDIX 2-6-1 (CONT.)

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION**

CORRECTIVE ACTION(S) PROPOSED*	ACTION OFFICE	ESTIMATED IMPLEMENTATION DATE(S)
<p>A great diversity of Safety Recommendations are addressed to EASA. Safety Recommendations can be for immediate, medium-term or long-term preventive action. Nothing shall preclude EASA from taking immediate preventive action where it deems it is appropriate or necessary to do so.</p> <p>EASA internal procedure on the follow-up of Safety Recommendations (E.P001) shall be amended to incorporate a target follow-up response time of 90 days. This response time may be extended to 6 months where long-term preventive action is under consideration.</p> <p>In these procedures a positive follow-up response may range from a detailed description of a preventive action taken to a schedule of tasks to be undertaken in consideration of a Safety Recommendation.</p>		

* Text reproduced as submitted by EASA

APPENDIX 2-7

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AIR NAVIGATION SERVICES**

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APPENDIX 2-8

**CORRECTIVE ACTION PLAN PROPOSED BY EASA
RELATED TO AERODROMES**

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