



EASA CAPACITY BUILDING

**STRUCTURE OF
EUROPEAN REGULATIONS
AND UNION INVOLVEMENT**



With the support of the
European Commission

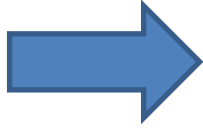
The text in this document is provisional due to the transition phase between Regulation (EC) No 216/2008 – Basic Regulation pre September 2018 and Regulation (EC) No 2018/1139 – New Basic Regulation post September 2018. The information contained within this document has been sourced from current information available and is being regularly updated during this transition phase.



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European Commission

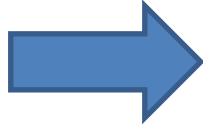
ICAO

International Civil Aviation Organisation

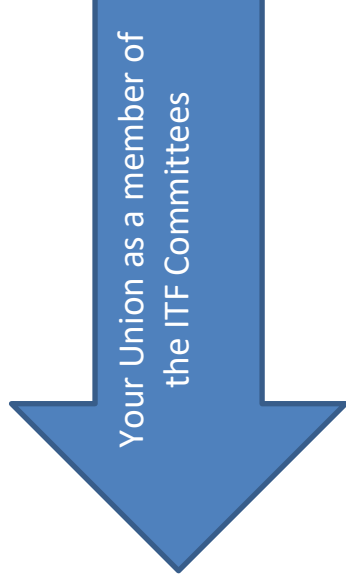


EASA

European Aviation Safety Agency

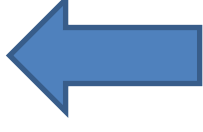


NCA



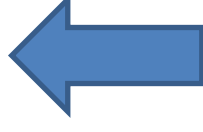
ITF

International Transport Workers' Federation

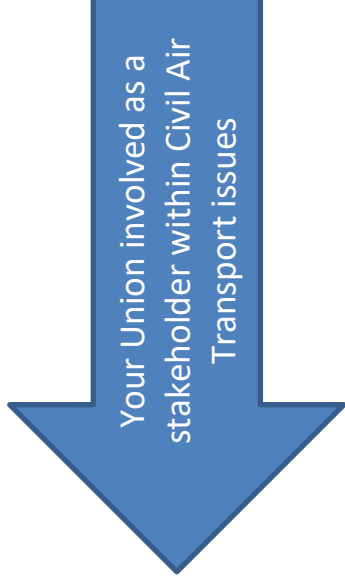


ETF

European Transport Workers' Federation



YOUR UNION



Your Union involved as a
stakeholder within Civil Air
Transport issues

Global, European and national bodies in aviation



International Civil Aviation Organisation (ICAO) is a specialized agency of the United Nations. It was created in 1944 to promote the safe and orderly development of international civil aviation throughout the world. It sets standards and regulations necessary for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection.



European Aviation Safety Agency (EASA) promotes the highest common standards of safety and environmental protection in civil aviation in Europe and worldwide. It is the centrepiece of a new regulatory system which provides for a single European market in the aviation industry.

Each EU member state has a **national competent authority (NCA)**. It is a government statutory authority that oversees the approval and regulation of civil aviation. They are responsible for compliance and enforcement of the EASA regulations. Most NAAs are funded by their government, but some governments (such as the UK) require that the NAA is funded entirely from charges imposed on the operators.

N. B. The organisations shown above are important players in terms of aviation rulemaking. A number of other organisations exist, such as the International Air Transport Association (IATA), European Civil Aviation Conference (ECAC), Association of European Airlines (AEA) etc.

Trade union bodies organising aviation workers



International Transport Workers' Federation (ITF) is an international federation of transport workers' trade unions. Around 700 unions representing over 4.5 million transport workers from some 150 countries are members of the ITF. It is one of nine Global Federation Unions allied with the International Trade Union Confederation (ITUC).

The ITF represents the interests of transport workers' unions in bodies that take decisions affecting jobs, employment conditions or safety in the transport industry, such as the International Labour Organisation (ILO), the International Maritime Organisation (IMO) and the International Civil Aviation Organisation (ICAO).



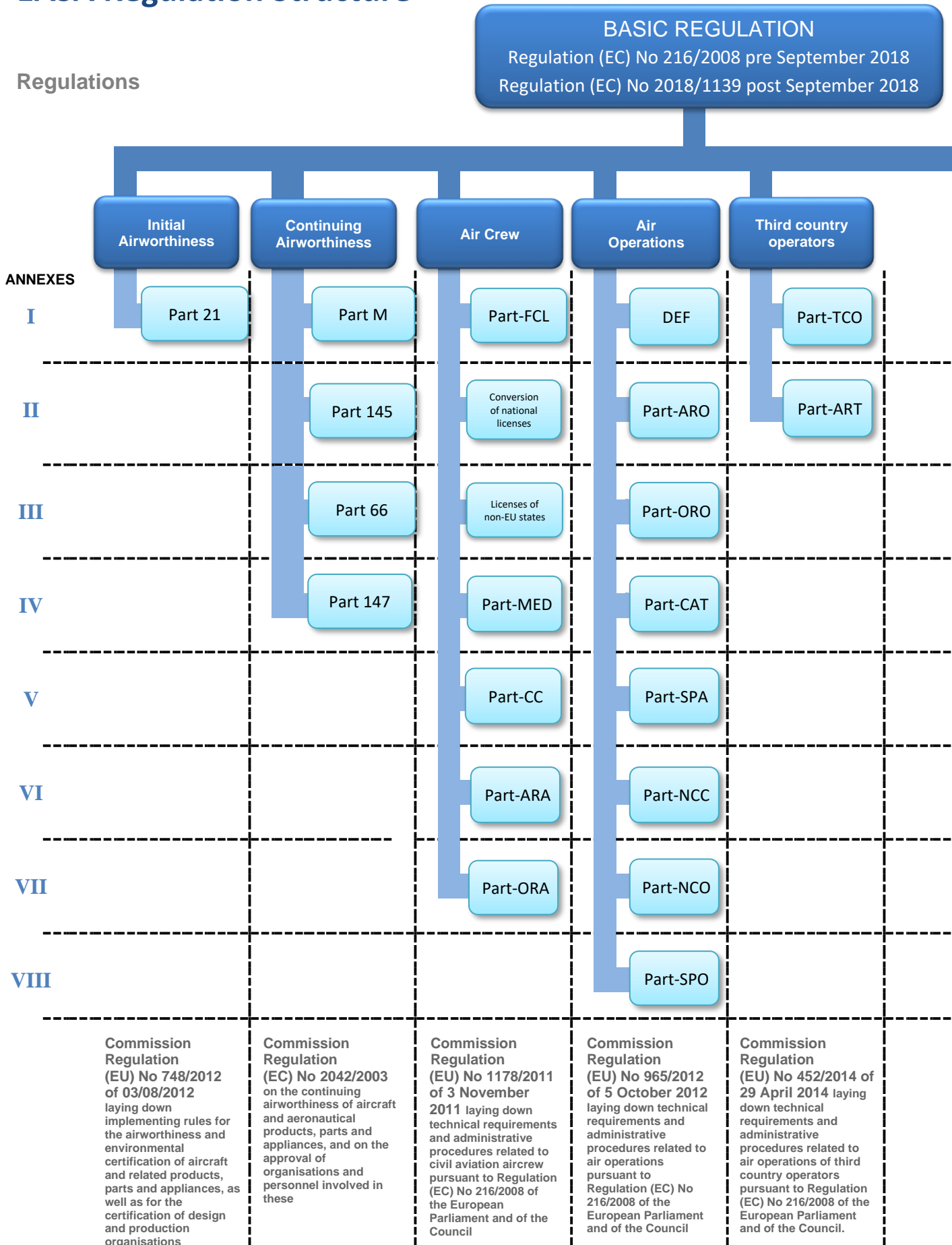
European Transport Workers' Federation (ETF) is a pan-European trade union organisation which embraces transport trade unions from the European Union, the European Economic Area and Central and Eastern European countries. The ETF represents more than 5 million transport workers from more than 200 transport unions and 41 European countries, in the following sectors: railways, road transport and logistics, maritime transport, inland waterways, civil aviation, ports and docks, tourism and fisheries. Ninety ETF affiliated unions from 32 countries organise civil aviation workers.

Working within an overall framework of global solidarity, the ETF operates both as the European region of the International Transport Workers' Federation (ITF) and as the transport federation of the European Trade Union Confederation (ETUC). Its principal activity is to represent and defend the interests of transport workers throughout Europe. It formulates and coordinates trade union transport and social policy, organises concerted industrial activities, engages in education and training and conducts innovative research on a variety of subjects from workers' health and safety to employment impact studies.

The ETF's Civil Aviation Section (CAS) focuses on ensuring an inclusive and socially-oriented approach to European legislation with the aim of avoiding a downward spiral in employment, job security, safety, social welfare and salary cuts in the aviation industry. Through its routine work of representing workers in the different aviation professions, as well as various campaign and research activities, the ETF has developed expertise and unrivalled insight on the terms and conditions of aviation workers and the expression of their collective voice. The ETF is the recognised Social Partner in the European Social Dialogue and represents the interests of transport workers across Europe vis-à-vis the European Commission and the Council of Ministers.

EASA Regulation Structure

Regulations



Furthermore, Certification Specifications are also related to the implementing regulations, respectively their parts. Like AMC or GM, they are put down as Decisions and are non-binding.



Structure of European regulations

BASIC REGULATION

BASIC REGULATION – (EC) no. 216/2008 came into force 20/02/08 common rules in the field of civil aviation and establishing a European Aviation Safety Agency

BASIC REGULATION – **updated/amended** by (EC) no. 2018/1139 came into force 11/09/18

Article 140 Transitional Provisions

Not later than 12 September 2023 the implementing rules adopted on the basis of Regulations (EC) No 216/2008 and (EC) No 552/2004 shall be adapted to this Regulation

Principle Objectives:

- 1.** The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in the Union.
- 2.** This Regulation further aims to:
 - (a) contribute to the wider Union aviation policy and to the improvement of the overall performance of the civil aviation sector;
 - (b) facilitate, in the fields covered by this Regulation, the free movement of goods, persons, services and capital, providing a level playing field for all actors in the internal aviation market, and improve the competitiveness of the Union's aviation industry;
 - (c) contribute to a high, uniform level of environmental protection;
 - (d) facilitate, in the fields covered by this Regulation, the movement of goods, services and personnel worldwide, by establishing appropriate cooperation with third countries and their aviation authorities, and by promoting the mutual acceptance of certificates and other relevant documents;
 - (e) promote cost-efficiency, by, inter alia, avoiding duplication, and promoting effectiveness in regulatory, certification and oversight processes as well as an efficient use of related resources at Union and national level;
 - (f) contribute, in the fields covered by this Regulation, to establishing and maintaining a high uniform level of civil aviation security;
 - (g) assist Member States, in the fields covered by this Regulation, in exercising their rights and fulfilling their obligations under the Chicago Convention, by ensuring a common interpretation and a uniform and timely implementation of its provisions, as appropriate;
 - (h) promote, worldwide, the views of the Union regarding civil aviation standards and civil aviation rules, by establishing appropriate cooperation with third countries and international organisations;

- (i) promote research and innovation, inter alia, in regulatory, certification and oversight processes;
 - (j) promote, in the fields covered by this Regulation, technical and operational interoperability and the sharing of administrative best practices;
 - (k) support passenger confidence in a safe civil aviation.
- 3.** The objectives set out in paragraphs 1 and 2 shall be achieved by, inter alia:
- (a) the preparation, adoption and uniform application of all necessary acts;
 - (b) the taking of measures to improve safety standards;
 - (c) ensuring that the declarations and certificates issued in accordance with this Regulation, and with the delegated and implementing acts adopted on the basis thereof, are valid and recognised throughout the Union, without any additional requirements;
 - (d) the development, with the involvement of standardisation and other industry bodies, of detailed technical standards to be used as a means of compliance with this Regulation, and with the delegated and implementing acts adopted on the basis thereof, where appropriate;
 - (e) the establishment of an independent European Union Aviation Safety Agency (the 'Agency');
 - (f) the uniform implementation of all necessary acts by the national competent authorities and the Agency, within their respective areas of responsibility;
 - (g) the gathering, analysis and exchange of information to support evidence-based decision making;
 - (h) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant information.

Scope

1. This Regulation shall apply to:

- (a) the design and production of products, parts and equipment to control aircraft remotely by a natural or legal person under the oversight of the Agency or a Member State, to the extent not covered by point (b);
- (b) the design, production, maintenance and operation of aircraft, as well as their engines, propellers, parts, non-installed equipment and equipment to control aircraft remotely, where the aircraft is or will be
- (c) the operation of aircraft into, within, or out of the territory to which the Treaties apply by a third country aircraft operator;
- (d) the design, production, maintenance and operation of safety-related aerodrome equipment used or intended for use at the aerodromes referred to in point (e) and the provision of groundhandling services and AMS at those aerodromes;
- (e) the design, maintenance and operation of aerodromes, including the safety-related equipment used at those aerodromes, located in the territory to which the Treaties apply

- (f) without prejudice to Union and national law on environment and land-use planning, the safeguarding of surroundings of the aerodromes referred to in point (e);
- (g) the provision of ATM/ANS in the Single European Sky airspace, and the design, production, maintenance and operation of systems and constituents used in the provision of those ATM/ANS;
- (h) without prejudice to Regulation (EC) No 551/2004 of the European Parliament and of the Council and the responsibilities of Member States with regard to airspace under their jurisdiction, the design of airspace structures in the Single European Sky airspace.

2. This Regulation shall also apply to the personnel and organisations involved in the activities referred to in paragraph 1.

IMPLEMENTING RULES

The Basic Regulation instructs EASA to assist the European Commission by preparing measures to be taken for the implementation of the Basic Regulation. These 'Implementing Rules' (IR) are then submitted to the Commission for approval. They are legally binding.

The EASA assists the Commission in developing IRs for different aviation sectors within their remit to ensure compliance with the Basic Regulation.

For aircrew, the two most important are:

- Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew - "**AIR CREW REGULATION**"
- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations - "**AIR OPERATIONS REGULATION**"

N. B. As of March 2015, the Regulation No 1178/2011 has been amended by Regulations No 290/2012, No 70/2014 and Regulation (EU) No 245/2014; the Regulation (EU) No 965/2012 has been updated by Regulations No 800/2013, No 71/2014 and No 379/2014. Latest versions can be found at www.eur-lex.eu.

Each of these IRs is broken down into Annexes. The most important are:

Air Crew Regulation

- Part FCL (flight crew licensing)
- Part MED (medical)
- Part CC (cabin crew)
- Part ARA (authority requirements for aircrew)

- Part ORA (organisation requirements for aircrew)

Air Operations Regulation

- Part ARO (authority requirements for air operations)
- Part ORO (organisation requirements for aircrew) – incl. FTL (Regulation (EU) No 83/2014)
- Part CAT (commercial air transport)

For ATM the 2 most important are:

- Commission Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight – **«ANS COMMON REQ.» and « ATM/ANS SAFETY OVERSIGHT»**
- Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 – **« ATCO LICENCING »**

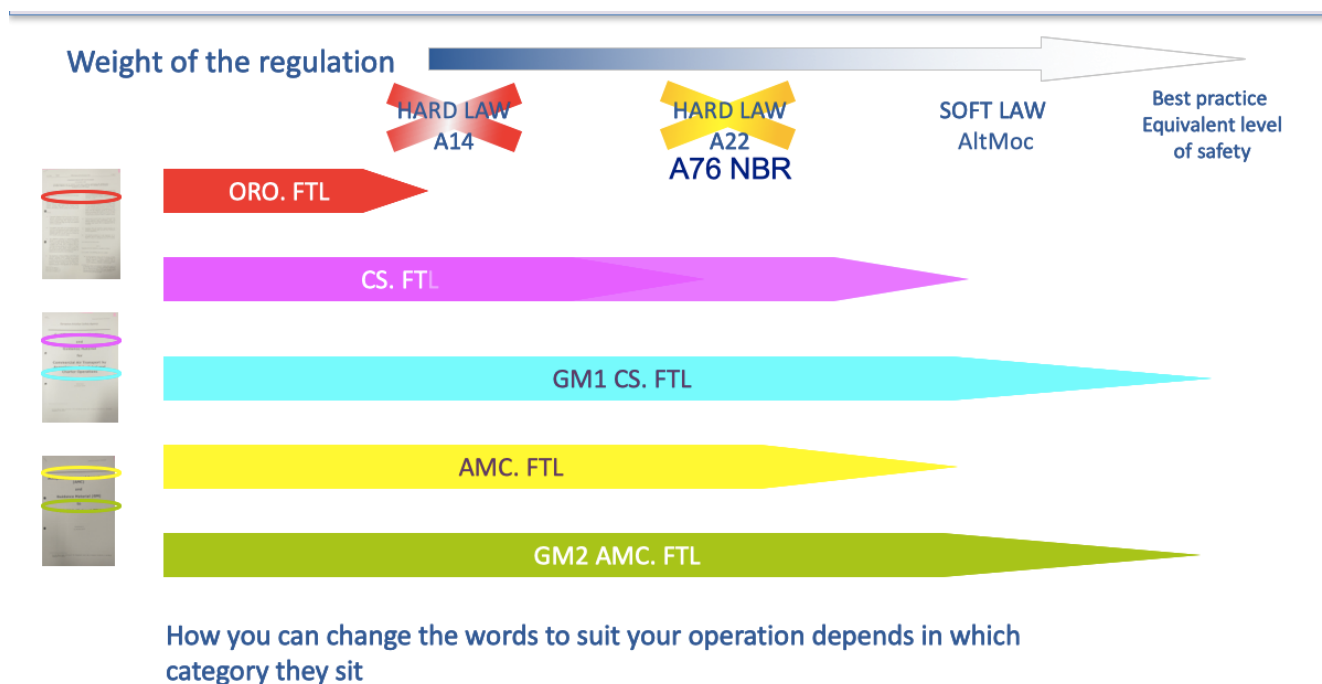
THESE REGULATIONS ARE LEGALLY BINDING IN EU MEMBER STATES

CERTIFICATION SPECIFICATIONS (CS), ACCEPTABLE MEANS OF COMPLIANCE (AMC) AND GUIDANCE MATERIAL (GM)

The CS, AMC and GM ("soft law") provide details in order to support implementation of the requirements published in the related regulations ("hard law"). They are published in the form of EASA Executive Director Decisions.

Operators are expected to follow the EASA CS, AMC and GM as there is a presumption that they will then comply with the regulation. The NAA will recognise that compliance is met without the need for any further demonstration of compliance. If operators choose to use alternative means to comply with the regulation, they will need to demonstrate compliance with the regulation to the NAA. The burden of proof of compliance rests fully with the Operator.

N. B. Not all regulations have CS



DEROGATIONS AND DEVIATIONS

The Basic Regulation post September 2018 allows for certain flexibility by giving the following options:

Derogations (from the IR) – Article 32

They are applied for by the Member State to the European Commission. It involves a 'political' process which can be lengthy. The notification sent by the Member State to the Commission shall include at least:

- requirements for which the Member State intends to grant a derogation
- reason(s) demonstrating the need to derogate
- identification of the product, part, appliance, person or organisation to which the derogation applies, including a description of the type of operation or activity concerned
- conditions that the Member State has put in place to ensure that an equivalent level of protection is achieved
- assessment and evidence demonstrating that an equivalent level of protection is ensured

Derogation is a provision in an EU legislative measure which allows for all or part of the legal measure to be applied differently, or not at all, to individuals, groups or organisations. In this context, derogation is not a provision excluding application of the legal measure: it is a choice given to allow for greater flexibility in the application of the law, enabling Member States to take into account special circumstances.

Deviations (from the CS) – Article 76 (7) IFTSS (Individual Flight Time Specification Scheme)

Deviations are applied for by the Member State NAA to EASA on Certification Specification (CS) i.e. soft law. When considering a request to deviate from the CS, EASA shall base its assessment on scientific principles and knowledge. The timeframe to complete this process is 1 month.

Deviations (from the AMC) - AltMoc

Deviations from the AMC can be applied for by the operator to the NAA. When considering requests to deviate from the AMC, NAAs shall consider the type of operation and base their deliberations on scientific principles and knowledge. If an alternative AMC (known as an AltMOC) is granted, the NAA has to inform EASA.

N. B. For the application of derogations and/or deviations on FTL, an operator has to have in place an approved Fatigue Risk Management System (FRMS). This approval has to be given by the NAA. Operators cannot 'copy and paste' derogations or deviations of other operators; they must demonstrate individually that the alternative way of working mitigates fatigue within their operation.

EXAMPLES OF REGULATIONS

Cabin crew

- Cabin Crew Attestation – Air Crew regulation Part CC
- FTL – Air Operations regulation, Part ORO, sub-part FTL
- Manuals, Logs and Records – Air Operations regulation, Part ORO

Flight crew

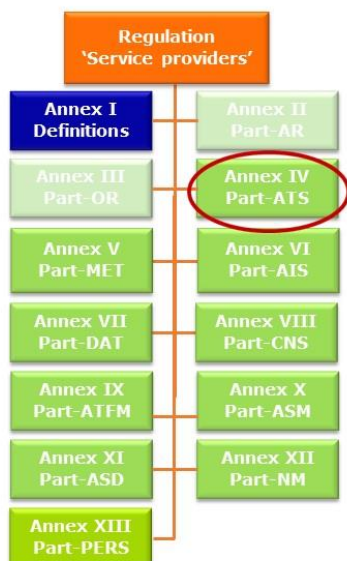
- Flight Crew Licence – Air Crew regulation, Part FCL
- Manuals, Logs and Records – Air Operations regulation, Part ORO
- Pilot Medical requirements – Air Crew regulation, Part MED, Sub-part B
- FTL – Air Operations regulation, Part ORO, Sub-part FTL

ATM

- ATCO Personal Licensing – ATCO Licensing, regulation 2015/340, Annex 1 Part ATCO
- ATCO Exercise of the privileges of licences and provisional inability – ATCO Licensing, regulation 2015/340, ATCO.A.015
- Requirements for Service Providers concerning Personnel Training and Competence Assessment - ANS Common Req., regulation 2017/373, Annex 13

Example of the regulation structure:

ATM/ANS CRs – Regulation 2017/373



Organisation Requirements for ATS providers

- Annex III (General)
- Annex IV Subpart A (ATS-specific)

Technical Requirements for ATS providers:

- Annex IV Subpart B
- Reference to ICAO ANNEX 10 Volume II, Annex 11 and SERA maintained

Regulatory action ongoing (RMT.0464) to fully implement the regulatory mandate in EASA BR (ERs in Annex Vb 2.(c)) and to remove referencing

Aerodrome

Firefighting

- Coordination between aerodrome operators and providers of aeronautical information services – Aerodromes regulation, Part-ADR.OPS
- Basic Regulation 2018/1139, ANNEX VII, 2.1;

(j) the aerodrome operator shall ensure, directly or through arrangements with third parties, that adequate aerodrome rescue and firefighting services are provided. Such services shall respond to an incident or accident with due urgency and shall include at least equipment, extinguishing agents and a sufficient number of personnel.

(m) the rescue and firefighting personnel shall be properly trained and qualified to operate in the aerodrome environment. The aerodrome operator shall, directly or through arrangements with third parties, implement and maintain training and checking programmes to ensure the continuing competence of this personnel.

(n) all rescue and firefighting personnel potentially required to act in aviation emergencies shall periodically demonstrate their medical fitness to execute their functions satisfactorily, taking into account the type of activity. In this context, medical fitness, comprising both physical and mental fitness, means not suffering from any disease or disability which could make the personnel unable:

- to execute the tasks necessary to operate in aviation emergencies;
- to perform their assigned duties at any time; or
- to perceive their environment correctly

Ground Handling

Basic Regulation 2018/1139, ANNEX VII, 4 – Groundhandling Services