

## New Basic Regulation (EU) 2018/1139

EASA takes on new responsibilities

This new mandate consolidates EASA's scope to cover the full spectrum of the aviation landscape and with the possibility for EASA and European Member States to work closer together in a flexible way.

Bjørn Erling Hanssen Flyteknisk inspektør beh@caa.no





#### Luftfartstilsynet Basic Regulation (EU) 2018/1139

The regulation enlarges the Agency's role in areas such as in environmental protection, research and development, or international cooperation. The new mandate also gives EASA a coordinating role in cybersecurity in aviation.

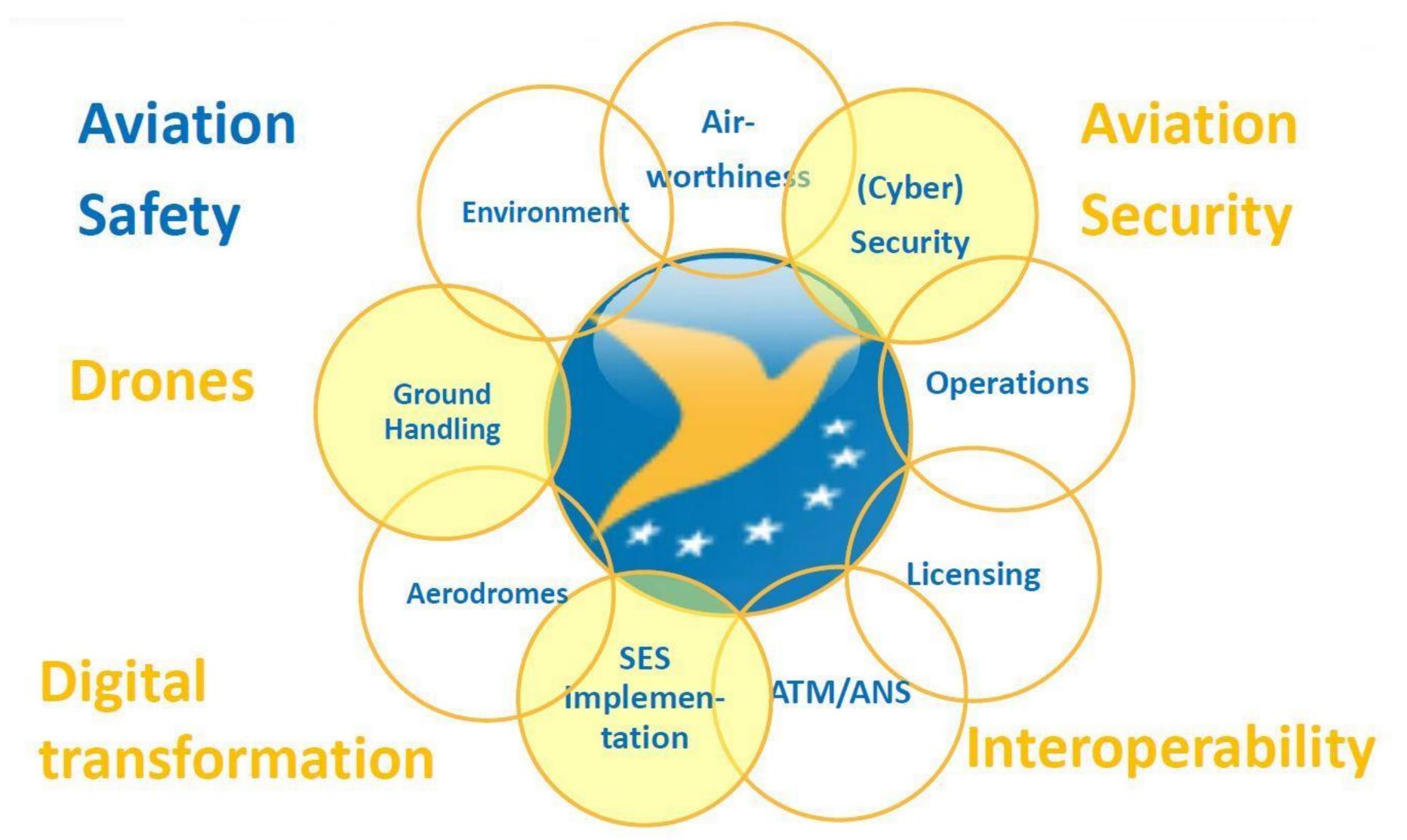
Patrick Ky, EASA Executive Director said:

"In a sector facing unprecedented technological transformation, it was important to provide EASA with the proper tools and legal foundation to support the development of the aviation industry in particular in domains like drones and digitalization."





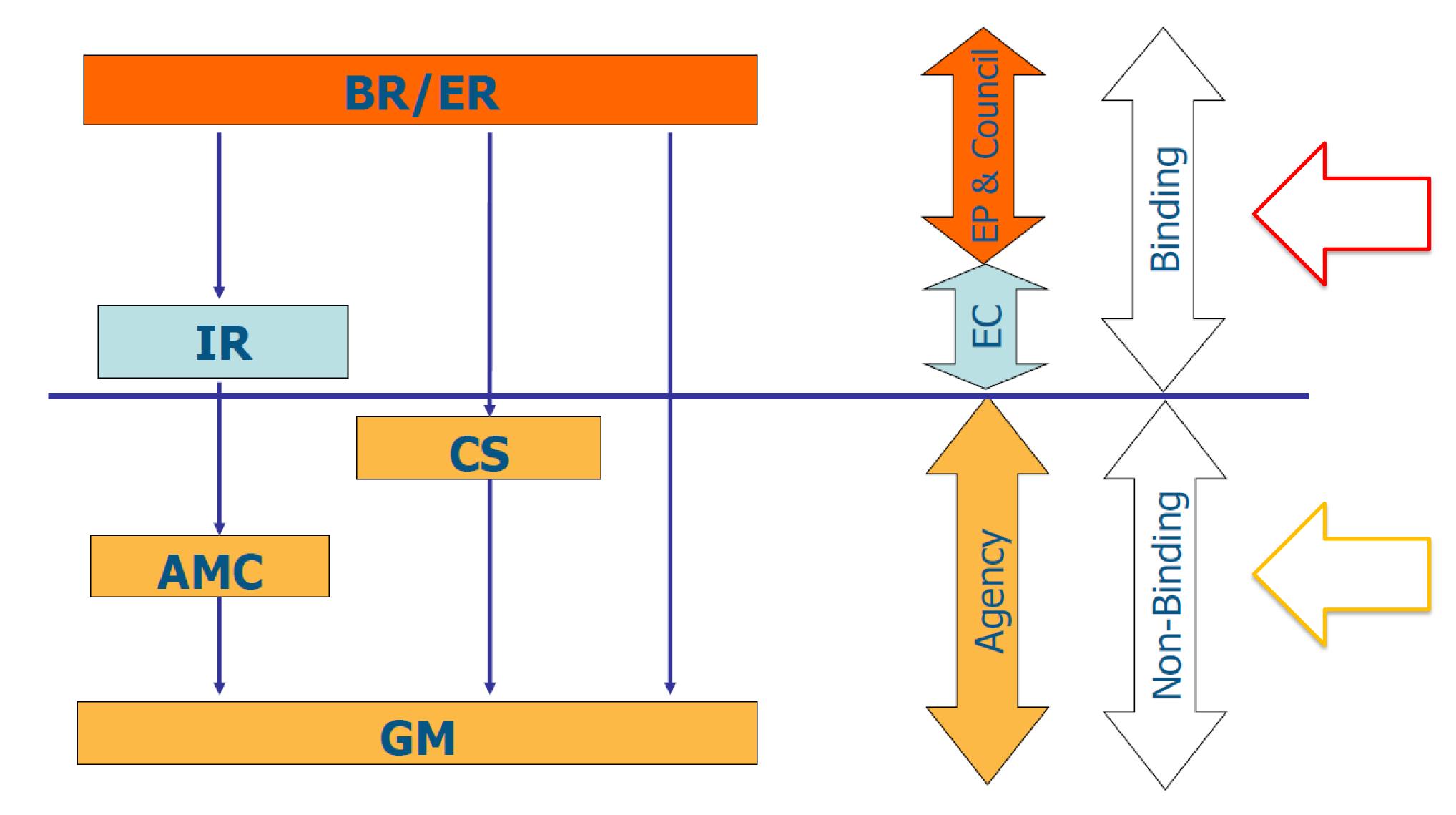
#### **EASA Basic Regulation (BR)**



After



#### Basic Regulation (EU) 2018/1139 EASA Regulatory framework





# New BR Safeguard and Flexibility provisions update

- Transition 216/2008 to 2018/1139
  - Entry into Force
  - Article validity
- 2018/1139 Safeguard and Flexibility provisions, Legal basis
  - Safeguard provisions: Article 70 (ex-Art14(1))
  - Exemptions: Article 71(1)&71(2) (ex-Art14(4))
  - Proposals: Article 71(3) (not equivalent to ex-Art14(6))
  - > FTL: Article 76(7) (ex-Art 22)

#### Implementation

- Temporary: Sept 11 to 01 Jan 2019
- ➤ Pre-Repository: as of 01 Jan 2019
- Repository Article 74



#### Luftfartstilsynet Transition to NBR (EU and EFTA)

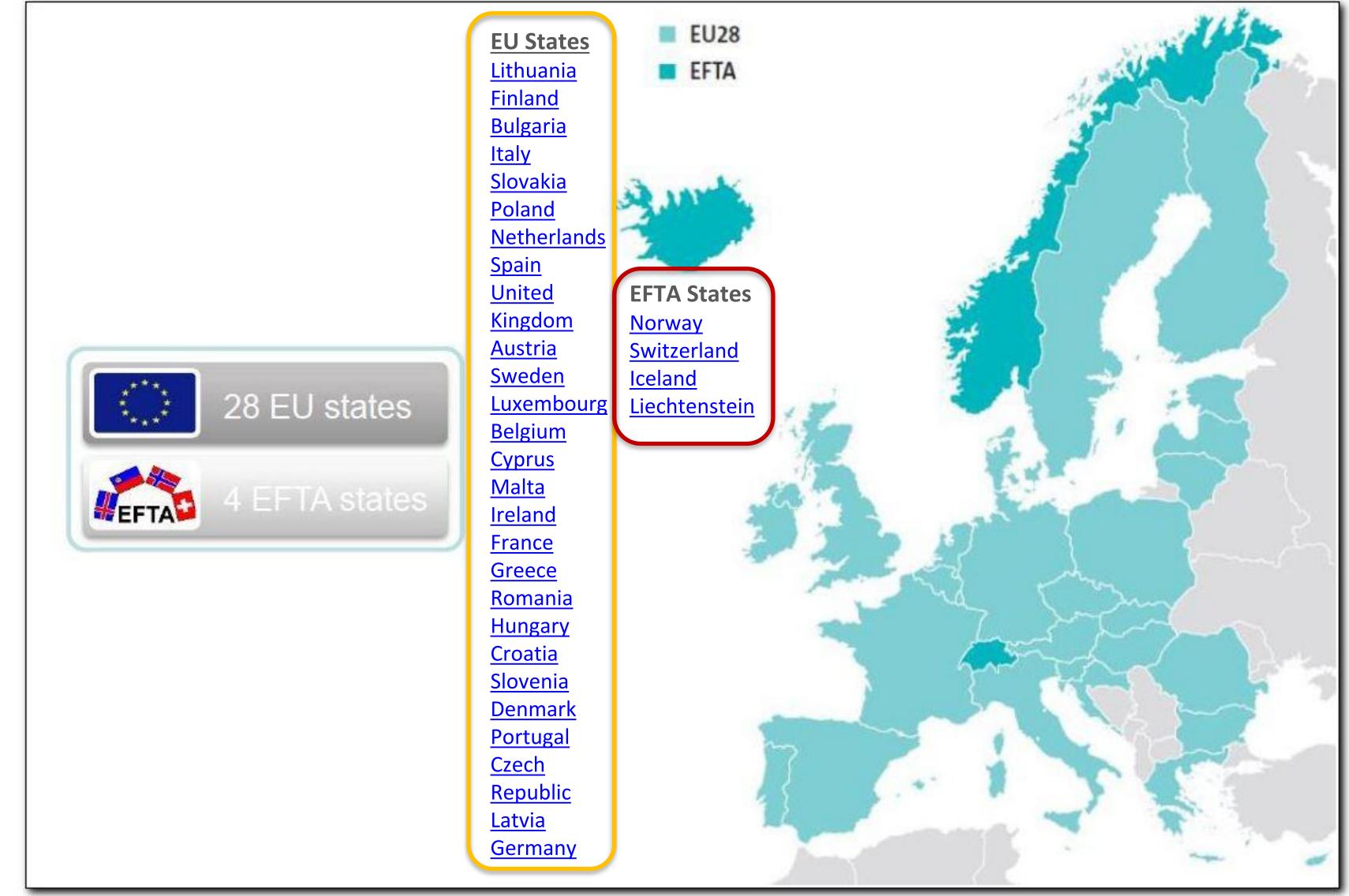
### **►** Entry into Force:

- ➤ EU MSs: 11 September 2018.
- ➤ Switzerland: TBC. Maybe summer 2019 or after Feb 2020 pending Joint Committee decision (December of each year).
- > Iceland, Liechtenstein, Norway: TBC, second half of 2019.

Consequence: two systems to be kept running until full adoption of Regulation (EU) 2018/1139.



#### Luftfartstilsynet CIVIL AVIATION AUTHORITY - NORWAY Basic Regulation (EU) 2018/1139 EU and EFTA countries





#### Luftfartstilsynet CIVIL AVIATION AUTHORITY - NORWAY Transition to NBR (EU):

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#### Art 70 Safeguard provisions (Ex 14.1)

Art 70

- MS Immediate reaction to a safety problem
- Under those conditions

MS notifies

- •Immediately (EC, EASA, MSs)
- Through the Repository Art74 (R74)

- Serious safety risk requiring immediate action from MS.
- 2) MS cannot act in compliance with NBR and its Delegated Acts (DA) and Implementing Acts (IA).
- Action taken is proportionate to severity of the problem.
  - 1) Measures taken
  - 2) Their duration
  - Reasons for taking them



### Luftfartstilsynet art 71(1)/(2) Flexibility provisions: exemptions (Ex 14.4)

## Art 71(1)(2)

- MS may grant an exemption from Requirements other than NBR' Essential Requirements because of:
- unforeseeable circumstances or urgent operational needs
- Under those conditions

- MS notifies
- •Immediately (EC, EASA, MSs)
- •Through the Repository Art74 (R74)

- Cannot be addressed in compliance with requirements
- Safety, environmental protection and compliance with essential requirements are ensured (through mitigation measures if needed)
- MS has mitigated possible created market distortion
- 4) Exemption is limited in scope and duration (strictly necessary) and applied in a non-discriminatory manner).
- 1) Exemption granted
- 2) Its duration
- Reasons for granting it
- 4) Mitigation measures applied



### Scope

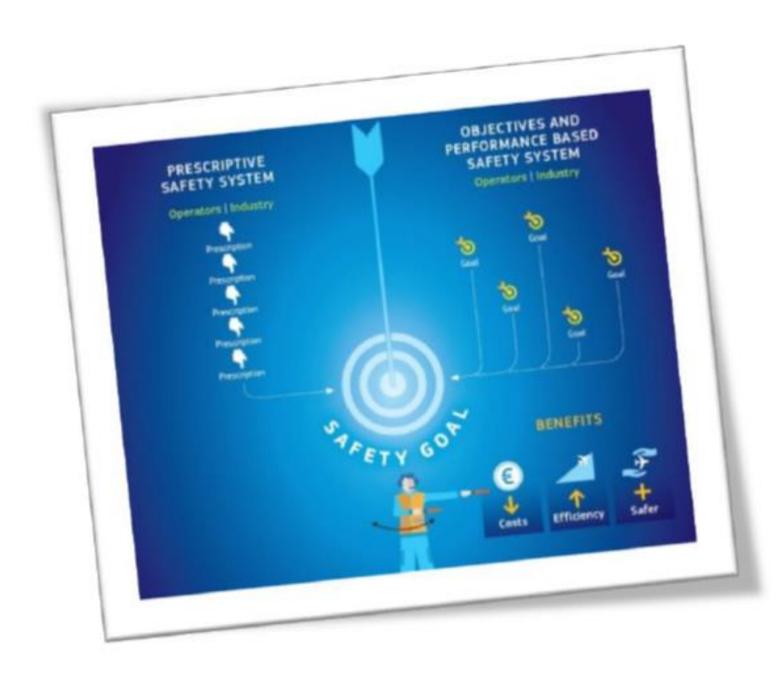
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#### Flexible and performance based system



Risk based elements reinforced

Promoting proportionate, performance based rules

Additional flexibility for regulating GA

Safety plan for Europe and national safety plans

Opt-in for aircraft manufacturers
Opt-in for 'state aircraft'
Opt-out for micro-lights



#### Luftfartstilsynet Airworthiness (Chapter III, Section I)

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



#### New EASA competences (Article 77)

- Competent authority for:
  - Certificates and declarations concerning design of non-installed equipment;
  - ✓ Declarations concerning design of parts and products;
  - ✓ Declarations concerning design organisations;
  - ✓ Declarations concerning compliance of organisations located in 3<sup>rd</sup> countries;
- Establishes and makes available detailed specifications for products, parts and non-installed equipment subject to a declaration;

Can issue ADs motivated by security concerns;



#### Essential Requirements (Annex II & III)

- New Essential Requirements on:
  - ✓ cyber-security;
  - ✓ maintenance personnel;
  - √ non-installed equipment added;

- New Annex III with essential requirements for environmental compatibility of products:
  - ✓ Applicable to the extent that ICAO Annex 16 does not contain environmental requirements;



#### Roadmap 2019–2021: Objectives

- To prioritise our activities and ensure an efficient use of our resources
- To have a shared target and work together within the Agency and with our stakeholders to reach that target





#### Roadmap 2019 –2021: activities



"Opt-ins" and re-allocation of responsibilities

Support to MS/implementation





Environment

Building our capacity in security/safety





Recognition of third-country certificates



#### Roadmap 2019 –2021: activities



### Cybersecurity



#### Ground handling



Drones and Urban Air Mobility



GA Roadmap II



#### Roadmap 2019 –2021: EPAS 2019-2023

The NBR roadmap will be reflected in the

Safety Risk Management

Strategy

**Business planning** 







#### New BR 2018/1139

Mer informasjon:

Official Journal of the European Union

1

Workshop 6, 29 jan. 1500-1700. Radission Blu møterom 2

REGULATIONS

Ny basisforordning – hva betyr det for norske aktører?

REGULATION (EU) 2018/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 4 July 2018

on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91

#### (Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

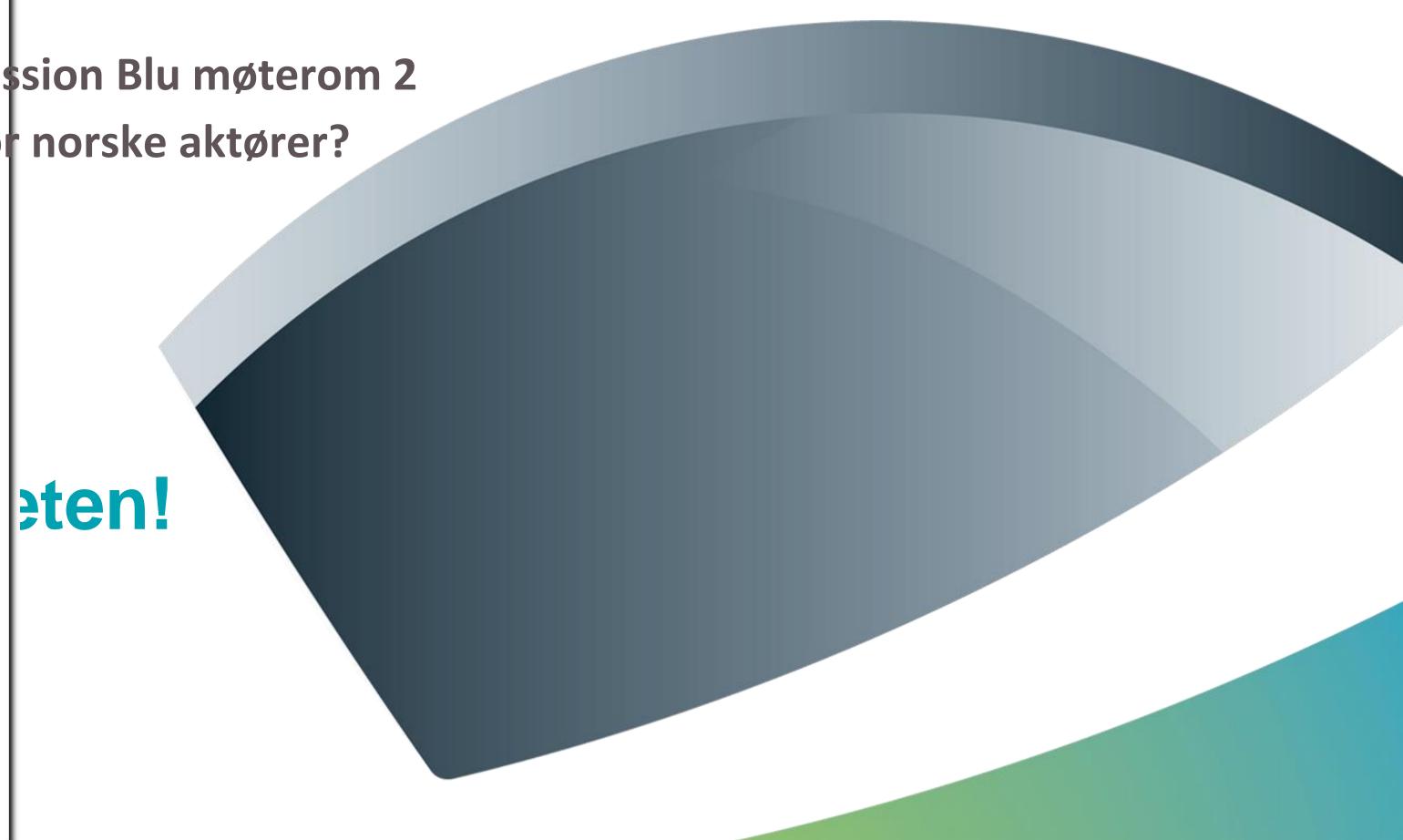
Having regard to the opinion of the Committee of the Regions (2),

Acting in accordance with the ordinary legislative procedure (3),

#### Whoma

- (1) A high and uniform level of civil aviation safety should be ensured at all times by the adoption of common safety rules and by measures ensuring that any goods, persons and organisations involved in civil aviation activity in the Union comply with such rules.
- (2) In addition, a high and uniform level of environmental protection should be ensured at all times by measures ensuring that any goods, persons and organisations involved in civil aviation activity in the Union comply with relevant Union law, and with international standards and recommended practices.
- (3) In addition, third-country aircraft that are operated into, within or out of the territory where the relevant provisions of the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) (the 'Treaties') apply should be subject to appropriate oversight at Union level within the limits set by the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 (the 'Chicago Convention'), to which all Member States are parties.
- (4) It would not be appropriate to subject all aircraft to common rules. In particular, in light of their limited risk to civil aviation safety, aircraft that are of simple design or operate mainly on a local basis, and those which are

<sup>(3)</sup> Position of the European Parliament of 12 June 2018 (not yet published in the Official Journal) and decision of the Council of 26 June 2018.



Tak

<sup>(\*)</sup> OJ C 75, 10.3.2017, p. 111