

Principles for Simplification in GA and Declared-by-Default

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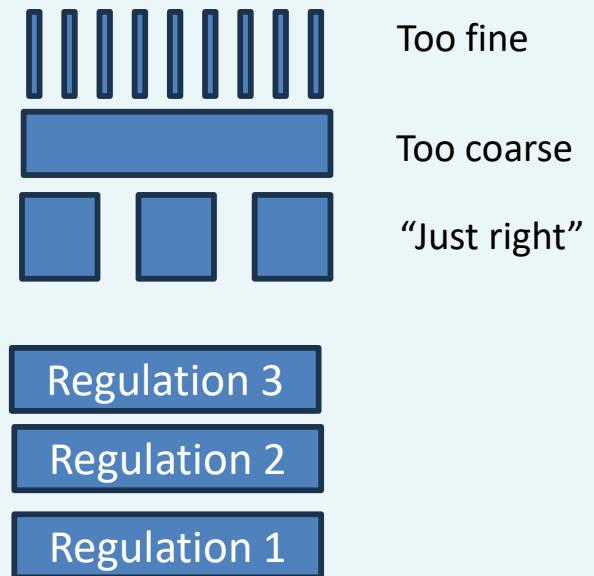


What's this about?

- Julian's personal thoughts from 15 years of EASA rulemaking
- Intended to provoke thought, not convince
- Principles:
 - Help us to focus on the objectives of regulation
 - Help us to make consistent rules across domains
 - Avoid wasting resources mitigating lower risks at the expense of higher risks
 - Help us learn from the past history of what worked and what didn't

What is simple: What is complex?

- *Simple* is about making only as many distinctions as are necessary and efficient
[Granularity]
- *Simple* is about mitigating risk with only as many layers of regulation as necessary (usually one layer!)
[Stacking]
- *Simple* is *not* about word count!



How did it all get so complex?

‘ “Concentrated Benefit – Diffuse Cost”

Specialised stakeholders fixate on the “concentrated” benefit of additional rules and granularity, and are unable to balance that against the overall cost of complexity, because those costs are too diffuse. Even the mechanisms designed to promote good rule-making ... are poorly suited to evaluating the multiplicative effects of individual rules on total complexity. In aviation, the problem is particularly difficult, because individual stakeholders develop deeply-held convictions about safety which defy evaluation or debate or comparison with simpler alternatives that achieve comparable safety outcomes’

‘A bold solution is needed; EASA complexity is a knot which has to be cut rather than unravelled.’

Vasa Babic, Feb 2015, Defeated by Complexity



Key Principles of 2018/1139

Article 4 Principles for measures under this Regulation

2. The measures taken under this Regulation shall correspond and be **proportionate to the nature and risk of each particular activity** to which they relate. In preparing and enacting such measures, the Commission, the Agency and the Member States **shall take into account, as appropriate for the activity concerned:**

- (a) whether persons other than flight crew are carried on board, and in particular whether the operation is open to members of the public;**
- (b) to what extent third parties or property on the ground could be endangered by the activity;**
- (c) the complexity, performance and operational characteristics of the aircraft involved;**
- (d) the purpose of the flight, the type of aircraft and type of airspace used;**
- (e) the type, scale, and complexity of the operation or activity, including, where relevant, the size and type of the traffic handled by the responsible organisation or person;**
- (f) the extent to which the persons affected by the risks involved in the operation are able to assess and exercise control over those risks;**
- (g) the results of past certification and oversight activities.**

Flexibility of Substantive Requirements of 2018/1139

- [A certificate is required] except for situations in which, as a result of the adoption of delegated/implementing acts ..., taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such [certificates] are not required.
- Initial Airworthiness: Art 15(1) -> Part 21 Light
- Continuing Airworthiness: Art 15(2) -> Part-ML
- Training organisations: Art 24 -> Declared Training Organisations
- **Aircrew: Art 21 -> Pilot Medical Declaration!**

Why Declared by Default for GA?

- Certification is efficient for safety management when it delivers a benefit for stakeholders in discharging their duties in achieving an acceptable level of risk:
 - Risk is to be mitigated is significant and the potential mitigation is highly effective
 - Criteria for effective risk mitigation can be easily anticipated and stable
 - Economies of scale are effective in large markets
- Certification fails to deliver on cost-benefit when
 - Risk to be mitigated is low – GA high risk tolerance for participants in sports and recreational aviation
 - Criteria vary from situation to situation and dynamic – GA performs different missions every time
 - Markets are small and fixed costs of certification dominate – GA markets are small and fragmented

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