

CRD – NPA 05/2004

<i>Comment</i>	<i>Response</i>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Paragraph</td> <td>General</td> </tr> </table>	Paragraph	General	
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<p>(No paragraph affected). Header on pages 2, 3, 5, 6 and 7</p> <p>Change Header on the affected pages to read NPA No 5/2004.</p> <p><u>Justification:</u> Editorial. Correction of error.</p>	<p>Text changed.</p>		
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<p>Sirs,</p> <p>I was surprised to read on your website that comment had to be on your approved proforma otherwise it would not be considered however no proforma was attached. Explain please just what is needed.</p> <p>Or is this yet another means by which EASA plane to prevent responses from those who might well be affected?</p> <p>To allow such a brief period for any response is just not acceptable to me or to the vast majority of others in General Aviation. When are you going to realise this?</p> <p>While ageing aircraft concerns are primarily with the commercial operators of older airliners the worlds GA fleet is getting older as well. For example the oldest flying original British aeroplane is a Blackburn monoplane of 1911 vintage; though with but one seat, passenger safety is absolutely assured.</p> <p>Regards, Barry Tempest Armageddon Associates</p>	<p>A) A link to the comment form was provided below the reference to NPA 5/2004. Moreover almost all comments were provided on the comment form. It is however, a Rulemaking directorate policy to take into account all comments received (even if for technical reasons, we demand a certain format).</p> <p>B) According to Article 15 of the Management Board Decision on the "Rulemaking Procedure" (EASA MB/7/03) the length of the consultation period can be reduced to six weeks when transferring existing JAA regulatory material to the EASA environment.</p> <p>C) The proposed amendment is linked to CS-25 (large aircraft) and will therefore be applicable to those aircraft.</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">CRD NPA-5-2004</td> <td style="width: 50%; text-align: right;">1</td> </tr> </table>	CRD NPA-5-2004	1	
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Paragraph	AMC M.A.302 (f), Paragraph 2
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Cmt.	003/CAA-UK
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<p>This paragraph states "...mandatory information should be reviewed before compliance is required.". If this information is both Mandatory and needs to be reviewed BEFORE Compliance is Required, this implies that the review should be performed by the TC holder or EASA, rather than the operator. If this is the case, it should be clearly stated.</p> <p>Justification: Clarification</p>	<p>The operator is responsible for continuing airworthiness. He/she should review the maintenance programme to ensure it includes all this mandatory information.</p> <p>Text not changed.</p>
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Paragraph	AMC M.A.302 (f), Paragraph i
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Cmt.	004/CAA-UK
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<p>Why reference Parts 23 and 25 only? Why not reference Parts 27 and 29 too?</p> <p>Justification: Consistency</p>	<p>CS-27 and CS-29 are referred to small and large rotorcraft. The proposed measure specifically addresses to airplanes, as for the time being, helicopter TC holders have not yet been required to do such work.</p>
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Paragraph	AMC M.A.302 (f), Paragraph i
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Cmt.	005/CAA-UK
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Why reference H25.4 specifically? Either reference the Appendices, 23.1529 G, 25.1529 H, 27.1529 A and 29.1529 A or reference the subparagraphs, G23.4, H25.4, A27.4 and A29.4. Justification: Consistency	In order to restore consistency reference to CS 23 Appendix G23.4 has been added. Text changed.
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Paragraph	AMC M.A.302 (f), Paragraph ii
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Cmt.	006/CAA-UK
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There are a number of typographical errors in this paragraph. "ii. Maintenance considerations, for instance, Certification Maintenance Requirements/ Certification Check Requirements and those addressed...". Justification: Editorial	Text changed.
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Paragraph	9 Explanatory Note
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Cmt.	007/DGAC-France
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<p>The proposed justification for an amendment to the regulation is inconsistent</p> <p><u>Justification:</u> The explanatory note justify the proposed amendment by the fact “that JAR-OPS 1 subpart M Section 1 did not require Operators to review their maintenance programmes as a result of changes to Type Certificate holder’s recommendations”.</p> <p>However this is clearly required by the existing Part M which specifies in M.A.302(a) that the maintenance programme “shall be periodically reviewed and amended accordingly” and in M.A.302(c)(1) that it must “establish compliance with instructions for instructions for continuing airworthiness issued by type certificate and supplementary type certificate holders and any other organisation that publishes such data in accordance with Part-21”.</p>	<p>Comment noted.</p> <p>Paragraph 9 of the NPA should be read in conjunction with paragraph 10.</p>
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Paragraph	12 Explanatory Note
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Cmt.	008/DGAC-France
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<p>The regulatory impact assessment is incomplete</p> <p>Justification: The explanatory note considers that the proposed amendment should have no impact on operators already operating under JAR-OPS. However the proposed text is applicable to all aircraft (commercial air transport not yet in compliance with JAR-OPS Subpart M, but also all other operators, including private owners). Thus there should be some kind of regulatory impact assessment for these other interested parties.</p>	<p>According to Article 15(i) of the Management Board Decision on the "Rulemaking Procedure" (EASA MB/7/03) the provisions of its article 5 shall not apply (necessity of a full regulatory impact assessment) when transferring existing JAA regulatory material to the EASA environment.</p> <p>Nevertheless, the Agency fully agrees that there should be a regulatory impact assessment on these issues; however, it should be on a case by case basis for each technical issue addressed. The safety issue and the impact may be very different in each case. An impact assessment has been carried out for instance on fuel tank safety</p> <p>Comment noted.</p>
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Paragraph	Draft regulation
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Cmt.	009/DGAC-France
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<p>Delete.</p> <p>Justification: See comments on Explanatory Note.</p>	<p>See response to comments number 7 and 8.</p> <p>Text not changed.</p>
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Paragraph	Draft Executive Director Decision
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Cmt.	010/DGAC-France
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<p>1. Replace paragraph 1 of AMC M.A.302(f) by : "The maintenance programme should be reviewed at least once a year to assess the need for amendments"</p> <p>2. In the first line of paragraph 2.i of AMC M.A.302(f), replace the word "required" by "specified".</p> <p>Justification:</p> <p>1. A maintenance programme can also be prepared by an aircraft owner or a Subpart G approved continuing airworthiness management organisation .</p> <p>2. CS are specifications not requirements</p>	<p>A) Text changed.</p> <p>B) Text changed.</p>
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Paragraph	General
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Cmt.	011 /SNPNAC
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No special comments about NPA-5-2004	Comment noted.
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Paragraph	General
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Cmt.	012/Austrocontrol
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ACG is supporting the NPA	Comment noted.
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Paragraph	Article 3 – AMC M.A.302 (f) 2
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Cmt.	013/Thomas Cook Airlines UK limited
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<p>Add to the end of the first line after “compliance is required” – “unless alternative compliance is agreed by the Agency/Authority”.</p> <p>Justification: On occasion the Aircraft Manufacturers, as the Type Certificate Holders, have issued new or revised Airworthiness Limitation Items (ALIs) that have placed some Operators immediately out of compliance. This invalidates the Aircraft Certificate of Airworthiness. However, what normally occurs is that rather than ground the Aircraft, a 'grace period' is negotiated between the Operator and its Regulatory Authority with the support of the TC Holder. This proposal is not intended to provide alleviation for the normal ALI tasks, but only to provide for the occasion mentioned above. This however could be covered in a new AMC paragraph?</p>	<p>AMC illustrate a means, but not the only means, by which a specification contained in an airworthiness code or a requirement of an implementing rule, can be met. Satisfactory demonstration of compliance using a published AMC shall provide for presumption of compliance with the related specification or requirement. They are a way to facilitate certification tasks for the applicant and the competent authority.</p>
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