



## TERMS OF REFERENCE

<b>Task Nr:</b>	MDM.055
<b>Issue:</b>	1 (v2)
<b>Date:</b>	18 July 2011
<b>Regulatory reference:</b>	<b>Regulation (EC) No 2042/2003<sup>1</sup></b>
<b>Reference documents:</b>	<ul style="list-style-type: none"><li>- Opinion 03/2011 Authority Requirements and Organisation Requirements<sup>2</sup></li><li>- Opinion 04/2011 AirOperations<sup>3</sup></li></ul>

**1. Subject:** Embodiment of Safety Management System (SMS) requirements into Regulation (EC) No 2042/2003

**2. Problem/statement of issue and justification; reason for regulatory evolution (regulatory tasks):**

ICAO amendment 33-B to ICAO Annex 6 introduced standards for the development of harmonised provisions relating to safety management by introducing a framework for the implementation and maintenance of a State Safety Programme. These standards became applicable on 18<sup>th</sup> November 2010.

In accordance with ICAO standard 8.7.3.3 (Annex 6 Part I) States shall require that a maintenance organisation implement a safety management system.

With the proposal on Organisation Requirements (Part-OR, cf. Opinions 03/2011 and 04/2011), the Agency promoted that all aviation service providers implement SMS: in order to deploy the full potential of SMS, all links in the aviation chain must manage their own safety risks, as well as safety risks stemming from their interactions.

With its proposal on Authority Requirements (Part-AR, cf. Opinions 03/2011 and 04/2011) the Agency proposed specific provisions linked to the implementation by Contracting States of a State Safety Programme (SSP) required by ICAO.

Following the decision to postpone the implementation of a horizontal rule structure, the amendments to the implementing rules and related AMCs and GMs to introduce SMS and SSP related authority requirements will be made without changing the rule structure. Consequently, requirements proposed with Part-OR and Part-AR will be placed in sections A and B respectively of the amended Regulation (EC) No 2042/2003. The principle of generally applicable requirements (Subpart GEN), complemented by area-specific requirements, followed in Part-AR and Part-OR, will not be transposed at this stage.

The rules will however require certain adaptations to ensure consistency, mainly as regards terminology used and organisation management system requirements, as such

<sup>1</sup> Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28.11.2003, p. 1).

<sup>2</sup> <http://easa.europa.eu/agency-measures/docs/opinions/2011/03/Opinion%2003-2011%20AOR.pdf>.

<sup>3</sup> <http://easa.europa.eu/agency-measures/docs/opinions/2011/04/Opinion%2004-2011.pdf>.

consistency constitutes a prerequisite for implementing the management system requirements proposed with Part-OR.

The review for consistency will take due account of the long term COrA (Consistency of Organisation Approvals) recommendations (see Advance Notice of Proposed Amendment, Advance NPA 15-2006<sup>4</sup>).

This exercise will encompass the following elements:

- Review the rules and AMC to clearly distinguish between essential safety elements and non-essential implementation aspects; rebalance as necessary (implementing rule to AMC or AMC to implementing rule).
- Adopt the provisions on processing alternative means of compliance, as proposed with Part-AR and Part-OR (AR.120/OR.120), to enhance transparency and support standardisation.
- Evaluate the possibility for persons to apply for the approval of such alternative means of compliance, where this is currently not foreseen in Part-AR.
- Implement in Section A the management system provisions as proposed with Part-OR to ensure compliance with the relevant ICAO standards on SMS. SMS elements shall be fully integrated with the organisations' management system.
- As part of SMS implementation review and further develop as appropriate provisions addressing human factors, in particular to provide further guidance on how approved maintenance organisations should take into account human performance limitations, such as maintenance engineer fatigue<sup>5</sup>.
- Improve consistency in organisation approvals and review the concept of small/large organisation to align with the approach proposed with Part-OR (complex/non-complex organisation, where size is not the only criterion to be considered).
- Implement in Section B relevant provisions linked with the implementation of an SSP in the framework of the European Aviation Safety Programme (EASP), based on the proposal made with Part-AR.

### 3. Objective:

The principal objective is to adapt Regulation (EC) No 2042/2003 and corresponding AMCs/GM for implementation of organisation management system requirements providing for compliance with the relevant ICAO standards on SMS in the field of continuing airworthiness.

Additional objectives are to:

- improve overall consistency and harmonise organisation management system requirements applicable to the different types of organisations;
- streamline certification and oversight processes, as far as practicable; and
- improve resilience of implementing rules by focusing on the safety objective and leaving specific methods and implementation means to the AMC level.

The intended effects would mainly be to:

- enhance safety by contributing to hazard identification, error reduction and by improving transparency;
- ensure flexibility and proportionality in particular as regards management system

<sup>4</sup> [http://easa.europa.eu/ws\\_prod/r/doc/NPA/final%20A-NPA%2015-2006%20COrA%20\(26.09.06\).pdf](http://easa.europa.eu/ws_prod/r/doc/NPA/final%20A-NPA%2015-2006%20COrA%20(26.09.06).pdf).

<sup>5</sup> In response to safety recommendations following serious incident occurred on 24 April 2010 with aircraft type DHC-8-102 in Bristol International Airport.

requirements; and

- ensure compliance with the latest ICAO standards and recommended practices, thus facilitating international harmonisation.

**4. Specific tasks and interface issues (Deliverables):**

Opinion to amend Regulation (EC) No 2042/2003.

Decision to amend AMCs and GMs related to Regulation (EC) No 2042/2003.

Coordination with task MDM.060 will be ensured.

The implementation of SMS will be considered for possible harmonisation with FAA and TCCA rules in the field of continuing airworthiness. Work in progress within the Safety Management International Collaboration Group (SM ICG) will be closely monitored.

**5. Working method** (in addition to the applicable Agency procedures):

Agency

The Agency reserves the right to call for ad-hoc meetings with industry and/or NAA representatives to discuss specific issues.

**6. Time scale, milestones:**

Start: 2011/Q3

NPA: 2012/Q2 (pending adoption of Opinions 03/2011 and 04/2011)

CRD: 2012/Q4

Opinion/Decision: 2013/Q2