



Terms of Reference

for a rulemaking task

Embodiment of Safety Management System (SMS) requirements into Commission Regulation (EU) No 1321/2014 Phase I – SMS in Part-M

RMT.0251 (MDM.055) — ISSUE 2 — 25.2.2016

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 1321/2014 ED Decision No 2015/029/R	Terms of Reference Issue 1 (v2)	18.7.2011
Affected stakeholders:	Continuing Airworthiness management Organisations, Competent Authorities	Concept Paper:	No
Driver/origin:	Safety	Rulemaking group:	No
Reference:		RIA type:	Full
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2013/Q1
		Duration of NPA consultation:	4 months
		Review group:	No
		Focussed consultation:	Yes
		Publication date of the Opinion:	2016/Q2
		Publication date of the Decision:	2017/Q2



1. Issue and reasoning for regulatory change

ICAO Annex 19 'Safety Management' introduced standards for safety management based on a framework for the implementation and maintenance of a State Safety Programme (SSP) by states and of Safety Management Systems (SMS) by service providers.

In accordance with standard 3.1.3.c) of ICAO Annex 19, states shall require that approved maintenance organisations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport in accordance with Part I or Part III to Section II of ICAO Annex 6 ('Operation of Aircraft'), respectively implement a safety management system (SMS). This standard (previously included in ICAO Annex 6 became applicable on 18th November 2010.

With the proposal on Organisation Requirements (Part-OR) (cf. Opinions 03/2011 and 04/2011) that led to the publication of Commission Regulation (EU) No 290/2012¹ amending Commission Regulation (EU) No 1178/2011 ('Aircrew') and by Commission Regulation (EU) No 965/2012² ('Air operations'), the Agency promoted the total system approach to safety management and suggested that all aviation service providers implement SMS.

Common Authority - and Organisation requirements introduced for Aircrew and Air Operations also form the basis for the common Authority- and Organisation Requirements for Aerodromes (see Commission Regulation (EU) No 139/2014³) and ATM/ANS (see Commission Regulation (EU) 2015/340⁴ ('ATCO') and Opinion 03/2014 ('ATM/ANS providers').

Annex I (Part-M) Subpart G organisations that are also subject to Annex III (Part-ORO) to Commission Regulation (EU) No 965/2012 or to Annex VII (Part-ORA) to Commission Regulation (EU) No 1178/2011⁵ are already exposed to management system requirements encompassing safety risk management and compliance monitoring as defined in ORO/ORAGEN Section II.

2. Objectives

The principal task objectives are to adapt Commission Regulation (EC) No 1321/2014⁶ and corresponding AMC/GM for implementation of organisation management system requirements providing for compliance with the relevant ICAO Annex 19 standards and recommended practices on SMS in the field of continuing airworthiness management.

Additional objectives are to:

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- ¹ Commission Regulation (EU) No 290/2012 of 30 March 2012 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 100, 5.4.2012, p. 1).
 - ² 32012R0965: Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).
 - ³ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1).
 - ⁴ 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 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1)
 - ⁵ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).
 - ⁶ Commission Regulation (EU) No 1321/2014 of 26 November 2014 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 362, 17.12.2014, p. 1).



- 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
- apply ‘better regulation’ principles by:
 - focusing on the safety objective to improve resilience of implementing rules; and
 - moving detailed implementation aspects to the AMC level, where appropriate.

Specific objectives are to:

- harmonise implementation of the new management system requirements for all Annex I (Part-M) Subpart G organisations which are also approved to or declaring their activity in accordance with Commission Regulation (EU) No 965/2012; or which are approved training organisations (ATOs) in accordance with Commission Regulation (EU) No 1178/2011);
- promote an integrated approach to management systems for those organisations and for related oversight;
- ensure effective compliance monitoring, safety risk management and oversight for all continuing airworthiness management and airworthiness review activities of aircraft used in commercial air transport (licenced air carriers) and complex motor-powered aircraft; thus preparing the grounds for the implementation of SMS in Annex II (Part-145);
- facilitate international harmonisation.

The intended effects would mainly be to:

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

3. Activities

The amendments to Commission Regulation (EC) No 1321/2014 for the introduction of SMS in Sections A (‘Technical Requirements’) and the implementation in Sections B (‘Procedures for Competent Authorities’) of relevant provisions supporting the implementation of SSP in the framework of the European Programme for Aviation Safety (EPAS) are proposed to be progressed in two phases, as follows:

PHASE I

- introduction of SMS for continuing airworthiness management organisations (CAMOs) managing aircraft used in commercial air transport and/or complex motor-powered aircraft, based on ICAO Annex 19 requirements and material already developed within NPA 2013-01(B).
- changes to the related ‘Procedures for Competent Authorities’ to harmonise with the authority requirements already applicable in the fields of ATM/ANS, aerodromes, aircrew and air operations.
- changes to the structure of Commission Regulation (EC) No 1321/2014 to
 - create a new annex including the organisation and authority requirements for CAMOs managing aircraft used in commercial air transport and/or complex motor-powered aircraft;
 - remove the related provisions from existing Annex I ‘Part-M’.

Note:

This will also lead to the creation of a new Annex to Commission Regulation (EC) No 1321/2014 to define a new type of organisation approval for continuing airworthiness management and/or maintenance applicable to aircraft not used in commercial air transport and aircraft other than complex motor-



powered aircraft. This will, however, not be part of RMT.0251, and processed as part of RMT.0547 'Part-M General Aviation Task Force Phase II'.

PHASE II

- introduction of SMS for Annex II (Part-145) to Commission Regulation (EC) No 1321/2014 organisations based on a common proposal to cover Annex II (Part-145) ('MOA') as well as Subpart J ('DOA') and Subpart G ('POA') of Annex 1 (Part-21) to Commission Regulation (EU) No 748/2012.
- assessing the need for changes in Section A of Annex IV (Part-147) to Commission Regulation (EC) No 1321/2014.
- changes to Sections B of Annex II (Part-145) and Annex IV (Part-147) to Commission Regulation (EC) No 1321/2014 in line with changes to Section B of Subpart-G of Annex I (Part-M) to Commission Regulation (EC) No 1321/2014 resulting from Phase I.
- review of changes to the authority requirements for CAMOs managing aircraft used in commercial air transport and/or complex motor-powered aircraft, (new annex to be created) resulting from Phase I and further changes as necessary for cross-domain alignment.

Phase II will be subject to new Terms of Reference.

4. Deliverables

- CRD/Opinion to amend Annex I (Part-M) to Commission Regulation (EU) No 1321/2014.
- Decision to amend AMCs and GMs related to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014.

5. Focused consultation

A focused consultation group composed of EASA focal points, NAA and industry representatives selected on the basis of an analysis of NPA 2013-01(B) comments has been established.

The role of the focused consultation group will be to

- assist with reviewing NPA 2013-01 comments,
- provide feedback on controversial issues,
- provide recommendations regarding the regulatory impact assessment to be included with the Opinion,
- review resulting text for the Opinion and later on the Decision prior to publication.

Participation is not eligible for reimbursement of travel expenses.

6. Reference documents

6.1. Affected regulations

Commission Regulation (EU) No 1321/2014 of 26 November 2014 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 362, 17.12.2014, p. 1).



6.2. Affected decisions

Decision 2015/029/R of the Executive Director of the Agency of 21 December 2015 on acceptable means of compliance and guidance material to Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

6.3. Reference documents

ICAO Annex 19 ('Safety Management').

