

NOTICE OF PROPOSED AMENDMENT (NPA) No 06/2005

DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE AGENCY,

amending Decision No 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Records of instructors, examiners and assessors

Explanatory Note

I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to propose an amendment to Annex VI Acceptable Means of Compliance (AMC) to Part-147 to Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003.¹ The reasons for this rulemaking activity are outlined further below.
2. The text of this NPA is developed by the Agency. It is submitted for consultation of all interested parties in accordance with Article 43 of the Basic Regulation and Articles 5(3) and 6 of the EASA rulemaking procedure.²
3. This rulemaking activity is included in the Agency's rulemaking programme for 2005. It implements the rulemaking task 147-005 Records of instructors, examiners and assessors.

II. Consultation

4. To achieve optimal consultation, the Agency is publishing the draft decision on its internet site. Comments should be provided within 3 months in accordance with Article 6(4) of the EASA rulemaking procedure.
Comments on this proposal may be forwarded (*preferably by e-mail*), using the attached comment form, to:

By e-mail: **NPA@easa.eu.int**

By correspondence: Inge van Opzeeland
Rulemaking Directorate
EASA
Postfach 10 12 53
D-50452 Köln
Germany
Fax: +49(221) 89990 5508

Comments should be received by the Agency **before 28-07-2005**. If received after this deadline they might not be treated. Comments may not be considered if the form provided for this purpose is not used.

¹ Decision No 2003/19/RM of the Executive Director of the Agency of 28.11.2003 on acceptable means of compliance and guidance material to 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.

² Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ("rulemaking procedure"), EASA MB/7/03, 27.6.2003.

III. Comment response document

5. All comments received in time will be responded to and incorporated in a Comment Response Document (CRD). This may contain a list of all persons and/or organisations that have provided comments. The CRD will be widely available ultimately before the Agency adopts its final decision.

IV. Content of the draft decision

6. Paragraph 147.A.110, Records of instructors, examiners and assessors, obliges an approved maintenance training organisation to keep records indicating the experience, qualification and training history of contracted instructors, knowledge examiners and practical assessors. This record keeping shall ensure that the maintenance training organisation continuously monitors the experience, qualification and training of their staff that is involved in the evaluation of student performance.
7. The aim of this NPA is to introduce Acceptable Means of Compliance (AMC) to paragraph 147.A.110. Guidance should be given on the minimum dates and information to be kept on record on each instructor, examiner and assessor by the approved maintenance training organisation. These dates range from the name and date of birth, contract dates and personnel number to experience, qualifications, training history, subsequent training and the scope of authorisation. Training history is related to courses attended before being employed by the present Part-147 maintenance training organisation.
8. The record may be kept in any format. This of course has to be under the control of the quality system. The records have to be kept in a way that they cannot be altered by unauthorised persons. This implies to have an authorisation scheme for accessing those records in place and to ensure data protection.
9. The developed AMC has its basis in AMC 145.A.35(j), Certifying staff and category B1 and B2 support staff. Since the Part-147 approved maintenance training organisation has to keep similar records than the Part-145 approved maintenance organisation it was only consequently to align these two parts. This should meet especially needs of organisations holding several approvals. With basically the same dates and information to be kept these organisations could use the same system. The transfer of elements from AMC Part-145 to AMC Part-147 creates therefore a common regulatory basis for organisations holding several approvals.
10. The proposed rulemaking action enables Part-147 approved maintenance training organisations to better control and keep track of the qualifications of their key personnel.

11. This task is also in line with the JAA Consistency of Organisations Approvals (CoRA) group report.

V. Regulatory Impact Assessment

12. The proposed change harmonises record keeping requirements for Parts-145 and -147. Existing AMC material has been transferred to Part-147 AMC material and adopted accordingly. There has only an economic impact be identified. For organisations holding several approvals the costs of managing all approvals are lowered by coordinating the specific dates and information to be retained. The harmonisation of Part-145 and Part-147 approvals alleviates compliance with these regulations through industry.

Draft

DECISION No .../.../RM

OF THE EXECUTIVE DIRECTOR OF THE AGENCY

of [...]

amending Decision No 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹ (hereinafter referred to as the “Agency”), and in particular Articles 13 and 14 thereof.

Having regard to the Commission Regulation (EC) No 2042/2003 of 28 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.²

Whereas:

- (1) Part-147 AMC 147.A.110 has been added to reflect on the minimum dates and information to be kept on record on each instructor, examiner and assessor by the Part-147 approved maintenance training organisation.
- (2) The Agency should issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of the Basic Regulation and its implementing rules.
- (3) The Agency has, pursuant to Article 43 of the Basic Regulation, consulted widely interested parties on the matters which are subject to this Decision and following that consultation provided a written response to the comments received.

HAS DECIDED:

¹ OJ L 240, 7.9.2002, p. 1.

² OJ L 315, 28.11.2003, p. 1.

Article 1

In Annex VI to Decision No 2003/19/RM the following paragraph AMC 147.A.110 has to be inserted:

“AMC 147.A.110 Records of instructors, examiners and assessors

1. The following minimum information as applicable should be kept on record in respect of each instructor, knowledge examiner and practical assessor:
 - a. Name
 - b. Date of Birth
 - c. Experience
 - d. Qualifications
 - e. Training history (before entry)
 - f. Subsequent Training
 - g. Scope of activity
 - h. Starting date of employment/contract
 - i. If appropriate – ending date of employment/contract
 - j. Personnel Number.
2. The record may be kept in any format but should be under the control of the organisations quality system.
3. Persons authorised to access the system should be maintained at a minimum to ensure that records cannot be altered in an unauthorised manner or that such confidential records become accessible to unauthorised persons.
4. The competent authority is an authorised person when investigating the records system for initial and continued approval or when the competent authority has cause to doubt the competence of a particular person.”