



**COMMENT RESPONSE DOCUMENT (CRD)-1
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2010-10**

for amending 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, and Decision 2003/19/RM of the Executive Director of the European Aviation Safety Agency of 28 November 2004 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

'Alignment of Regulation (EC) No 2042/2003 with Regulation (EC) No 216/2008 and with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme'

EXECUTIVE SUMMARY

1. The NPA 2010-10 was issued in August 2010 with the aim to address the following issues:
 - a. Issue 1: The amendment of Regulation (EC) No 2042/2003 to align it with the additional continuing airworthiness requirements of the Basic Regulation for complex motor-powered aircraft.
 - b. Issue 2: The amendment of Regulation (EC) No 2042/2003 to align it with the additional continuing airworthiness requirements of the Basic Regulation for operations for commercial purposes.
 - c. Issue 3: The amendment of Regulation (EC) No 2042/2003 to include requirements for aircraft referred to in article 4(1)(c) of the Basic Regulation.
 - d. Issue 4: The amendment of Regulation (EC) No 2042/2003 to include requirements for human factor principles to be observed in the design and application of the aircraft maintenance programme.
2. The CRD-1 to NPA 2010-10 is issued to deal with issues 1, 2 and 4. Issue 3 will be dealt with in CRD-2 to NPA 2010-10.
3. Based on the stakeholders' comments received on these three issues, this CRD-1 to NPA 2010-10 proposes to maintain the applicability of the provisions related to 'commercial air transport' as they are in the current Regulation and to withdraw the proposed amendments associated with the introduction of the new definition for the 'concept of commercial air transport' within the scope of Regulation (EC) No 2042/2003.

Explanatory Note

I. General

1. The purpose of the Notice of Proposed Amendment (NPA) 2010-10, dated 10 August 2010 was to propose an amendment to Commission Regulation (EC) No 2042/2003¹ 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, hereafter referred to as Regulation (EC) No 2042/2003, and to Decision 2003/19/RM² of the Executive Director of the European Aviation Safety Agency of 28 November 2004 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.

II. Consultation

2. The draft Opinion for amending Regulation (EC) No 2042/2003 and the draft Executive Director Decision amending Decision No 2003/19/RM was published on the website (<http://www.easa.europa.eu>) on 10 August 2010.

By the closing date of 10 December 2010, the European Aviation Safety Agency (hereafter referred to as the 'Agency') had received 131 comments from 34 National Aviation Authorities, professional organisations and private companies.

III. Publication of the CRD

3. NPA 2010-10 addressed four different issues:
 - Issue 1: The amendment of Regulation (EC) No 2042/2003 to align it with the additional continuing airworthiness requirements of Regulation (EC) No 216/2008³, hereafter referred to as the 'Basic Regulation', for complex motor-powered aircraft.
 - Issue 2: The amendment of Regulation (EC) No 2042/2003 to align it with the additional continuing airworthiness requirements of the Basic Regulation for operation for commercial purposes.

¹ 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), as last amended by Commission Regulation (EU) No 1149/2011 of 21 October 2011.

² Decision No 2003/19/RM of the Executive Director of the European Aviation Safety Agency of 28 November 2004 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. Decision as last amended by Decision 2011/003/R of 10 May 2011.

³ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1). Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

- Issue 3: The amendment of Regulation (EC) No 2042/2003 to include requirements for aircraft referred to in Article 4(1)(c) of the Basic Regulation.
- Issue 4: The amendment of Regulation (EC) No 2042/2003 to include requirements for human factor principles to be observed in the design and application of the aircraft maintenance programme.

4. These four issues are going to be dealt separately in two different CRDs as follows:

CRD-1 is going to address issues 1, 2 and 4.

CRD-2 is going to address issue 3.

The objective of this separation is to enhance the understanding of the changes and the affected requirements. CRD-1 is going to affect mostly aircraft registered in the EU, whereas CRD-2 would affect mainly third country registered aircraft used by operators for which any Member State ensures oversight of operations or used into, within or out of the Community by operator established or residing in the Community.

5. All the comments received have been acknowledged and responded to, the comments affecting issues 1, 2 and 4 have been incorporated into this Comment Response Document 1 (CRD-1) with the responses of the Agency. The comments affecting issue 3 will be incorporated into CRD-2. From the total amount of 131 comments received:

- 14 comments affect issue 1;
- 26 comments affect issue 2;
- 58 comments affect issue 3;
- 3 comments affect issue 4;
- 30 comments either affect several issues, or are not related to any of the four issues or are related to editorial mistakes or suggest some text improvement.

6. In responding to the comments, a standard terminology has been applied to attest the Agency's acceptance of the comment. This terminology is as follows:

- **Accepted** — The comment is agreed by the Agency and any proposed amendment is wholly transferred to the revised text.
- **Partially accepted** — Either the comment is only agreed in part by the Agency, or the comment is agreed by the Agency but any proposed amendment is partially transferred to the revised text.
- **Noted** — The comment is acknowledged by the Agency but no change to the existing text is considered necessary.
- **Not accepted** — The comment or proposed amendment is not shared by the Agency.

The resulting text highlights the changes as compared to the current rule.

7. The Agency Opinion on the alignment of Regulation (EC) No 2042/2003 with Regulation (EC) No 216/2008 and with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme will be issued at least two months after the publication of this CRD to allow for any possible reactions of stakeholders regarding possible misunderstandings of the comments received and answers provided.

8. Such reactions should be received by the Agency not later than **15 February 2012** and should be submitted using the Comment Response Tool at <http://hub.easa.europa.eu/crt>.

IV. Summary of comments received and main changes introduced after the NPA

Issue 1 — Amendment of Regulation (EC) No 2042/2003 to align it with the additional continuing airworthiness requirements of the Basic Regulation for complex motor-powered aircraft

9. The following major concerns have been identified from the comments received that affect issue 1.
 - a) Several comments claimed that multi-engined helicopters with a MTOM < 3 175 kg, which are currently considered large aircraft, should be considered complex motor-powered aircraft and therefore the continuing airworthiness management should have to be performed by a CAMO and maintenance should be performed by a Part-145 organisation.
 - b) Firstly it has to be clarified that the need to replace the concept of 'large aircraft' by the concept of 'complex motor-powered aircraft' stemmed from the additional requirements imposed to complex motor-powered aircraft in paragraph 8.g of Annex IV to the Basic Regulation. Furthermore, the Agency considers that extending these additional requirements to aircraft other than complex motor-powered aircraft would not be a proportionate measure. In addition it has to be taken into account that aircraft other than complex motor-powered aircraft when used for commercial operations would also be affected by the more demanding requirements of paragraph 8.g of Annex IV to the Basic Regulation.
 - c) Other comments claim that the proposal does not adequately considered the new regulatory burden or economic impact on operators of aircraft which fall into the category of complex motor-powered aircraft that currently are not considered large aircraft. These aircraft will be subject to more demanding requirements, such as the need for a CAMO and a Part-145 organisation.
 - d) The answers provided to these comments explain that the need to replace the concept of 'large aircraft' by the concept of 'complex motor-powered aircraft' stems from the additional requirements imposed to complex motor-powered aircraft in paragraph 8.g of Annex IV to the Basic Regulation, and such impacts were already considered at the time the Opinion No 03/2004 for the adoption of the Basic Regulation was issued.

Issue 2 — Amendment of Regulation (EC) No 2042/2003 to align it with the additional continuing airworthiness requirements of the Basic Regulation for operation for commercial purposes

10. The following major concerns have been identified from the comments received that affect issue 2.
 - a) Many comments highlighted the complexity added to the Regulation by the amendments associated with the introduction of the concepts of 'commercial air transport' and 'commercial operations'. The underlying reason for this complexity was the need to provide alleviations to address the specific nature of non-power-driven aircraft, local flights and non-Community operators, and to this end the concept of 'local-CAT' was introduced.

- b) In the light of this added complexity, the Agency has decided that, at this stage, the amendment to the regulation will tackle the introduction of the concept of 'commercial operations', which is required by the Basic Regulation.
- c) Conversely, the applicability of the provisions related to commercial air transport will remain unchanged, and in order to make clear such applicability a definition has been introduced in Article 2 of Regulation (EC) No 2042/2003. Within the scope of Regulation (EC) No 2042/2003, 'commercial air transport' is defined as an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire by a licensed air carrier as defined in Regulation (EC) No 1008/2008.
- d) Consequently, the proposed amendments to Part-M linked to the concept of 'commercial air transport' are dropped and the amendments related to the introduction of the concept of 'commercial operations' have been reworded.
- e) Several comments expressed the need to define different types of aircraft operations, such as 'private operations' and 'club operations'. This need is however not shared by the Agency. One of the objectives of this task was to ensure that the additional requirements for aircraft used for commercial purposes specified in paragraph 8.g of Annex IV to the Basic Regulation are transposed into Regulation (EC) No 2042/2003.
- f) The definition of 'commercial operation' is included in Article 3(i) of the Basic Regulation, so there is no need to define more categories on top of the existing ones. Nevertheless, GM M.A.201 (i) has been added to provide some examples of what should be considered commercial operations.
- g) Several comments criticised the impact assessments and the lack of safety statistics. As explained in the NPA 2010-10, the positive safety effects of the envisaged changes associated with the alignment with the Basic Regulation were already analysed and confirmed at the time the Opinion No 03/2004 for the adoption of the Basic Regulation was issued.
- h) Several comments expressed the need to clarify the provisions for the contract between a commercial operator, the continuing airworthiness management organisation and the maintenance organisation.
- i) To that end, paragraph M.A.201 (i) and M.A.708 (c) are amended and a new paragraph M.A.201 (j) is added. The objective of these changes is to reflect the requirements of Annex IV section 8.g (i) of the Basic Regulation, whereby the organisation managing the continuing airworthiness of aircraft used for commercial operations must be qualified for the maintenance of such aircraft or have established a contract with such a qualified organisation.
- j) One commentator remarked that the provisions of M.A.712 (f) should be amended in order to preclude the use of a small continuing airworthiness management organisation for the management of aircraft used for commercial operations. The conclusion reached is that such an amendment is necessary in line with the requirements for organisations included in section 3.a of Annex I to the Basic Regulation.

Issue 4 — Amendment of Regulation (EC) No 2042/2003 to include requirements for human factor principles to be observed in the design and application of the aircraft maintenance programme

11. Three comments were made with regard to this issue which claimed that more guidance is required as to the implementation of the requirement added in M.A.302 (h). Thus the proposed AMC M.A.302 (h) has been expanded and converted into GM M.A.302 (h) using material contained in ICAO Doc 9824 and Doc 9683.

V. CRD table of comments and responses

(General Comments)	-
--------------------	---

comment	13	comment by: <i>Cessna Aircraft Company</i>
	Attachment #1	
	Please see the attached file for Cessna Aircraft Company response.	
response	<i>Noted</i>	
	The Agency notes that Cessna Aircraft Company has no comments on the NPA.	

comment	43	comment by: <i>Dassault Aviation</i>
	Dassault Aviation general comment:	
	<p>During the NPA workshop held in Koln on 1 OCT 2010, several comments were raised highlighting that the present Part M and the proposed changes of NPA 2010-10 are not proportionate to the General Aviation and Business aviation activity, compared to the Commercial Air Transport activity. The main point that we want to raise here is the obligation for any Complex Motor-Powered Aircraft (CMPA) to have all maintenance tasks performed by an approved Part 145 organization (M.A.201 (g)).</p> <p>During the workshop, it was answered by the EASA that this was an obligation due to the requirements contained in the Basic Regulation BR216-2008.</p> <p>We do not concur with this answer and would like that this point is reconsidered in the Part M for the following reasons:</p> <ul style="list-style-type: none"> - BR216-2008 Annex IV paragraph 8 g says, quote" <ul style="list-style-type: none"> <i>8.g. The tasks specified in point 6.a and those described in points 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements of Annex I point 3.a [Organisations (including natural persons undertaking design, manufacture or maintenance)], the following conditions:</i> <ul style="list-style-type: none"> <i>(i) the organisation must be qualified for the maintenance of products, parts and appliances under its responsibility Unquote".</i> <p>BR does not require that the tasks are "performed" but only that they are</p>	

"controlled" by an approved organization. Moreover, the parenthesis clearly opens the possibility that instead of an "organization", the task may be under the responsibility of "a natural person undertaking (...) maintenance", that is to say a licensed mechanic. The requirement of having all the maintenance tasks performed by a Part 145 is significantly more stringent than what is required by the Basic Regulation and we would like it is therefore revised.

- This requirement is also not proportionate to the General aviation and Business aviation activity : the Commercial Air Transport uses a limited number of large airports where qualified Part 145 organizations exist that can be used for line maintenance. General and Business aviation use a very large number of small airports where EASA Part 145 organizations are not available and cannot be made available.

- No safety issue has been identified in the Business aircraft maintenance records that would justify implementing more stringent requirements than those of the Basic Regulation.

- Instead of improving harmonization between the main regulatory Authorities rules, this requirement introduces a breach of competitiveness with the other countries where regulations allow a licensed mechanic to perform at least line and minor maintenance tasks (FAA for example).

To summarize: in order to establish proportionate rules for General and Business aviation activity compared to the CAT, although we recognize that some complex and heavy maintenance tasks should be better controlled and should be performed by Part 145 repair stations, we request that consideration is given to revising Part M to allow non commercial operated CMPA to have line maintenance and simple troubleshooting tasks performed by licensed mechanics.

response

Not accepted

Annex IV to the Basic Regulation, section 8, establishes additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft. In particular, paragraph 8.g requires that the tasks specified in 6.a, 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management. This organisation must meet the requirements of Annex I point 3.a and must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation.

This means that for the maintenance of complex motor-powered aircraft a qualified maintenance organisation is required.

Annex I to the Basic Regulation, point 3.a, specifies the following requirements applicable to maintenance organisations.

'Organisation approvals must be issued when the following conditions are met:

3.a.1. the organisation must have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks,

responsibilities and procedures, access to relevant data and record-keeping;

3.a.2. the organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;

3.a.3. the organisation must establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;

3.a.4. the organisation must establish an occurrence reporting and/or handling system, which must be used by the management system under point 3.a.2 and the arrangements under point 3.a.3, in order to contribute to the aim of continuous improvement of the safety of products.'

Independent certifying staff don't meet the requirements of Annex I, point 3.a, and therefore cannot be considered a qualified maintenance organisation as required by Annex IV, point 8.g.

comment

61

comment by: *Walter Gessky*

Austrian Comments to NPA 2010/10

1. Art. 1, 2:

Generic comment:

Except operation in an ATO no other kind of commercial operation as defined in Art 3(i) of the Basic Regulation is mentioned.

What happens with the following other kind of operations of aircraft, in return for remuneration or other valuable consideration like?

- Transport of parachute jumpers,
- Towing (gliders or advertisement banner),
- Any other kind of aerial work like agriculture flight crop spraying
- External load operation of helicopters and construction work

2. Art. 1:

Aircraft shall be registered in one of the Member States when:

- i. operated by an organisation approved in accordance with Part-OR Subpart-OPS;
- ii. operated by an organisation approved in accordance with Part-OR Subpart-ATO, herein after referred to as 'ATO', providing flight training inside the territory of the Member States.

Comment:

This text is not clear and does not cover "Wet Lease" according Art 13/3 and 4 of EC 1008/2008 when the aircraft is registered in a third country. Clarification is required to be consistent with EC 1008/2008.

3. Art. 7, entry into force:

A transition period of at least one year to apply this rule might be required.

4. Item 91:

91. In M.A.201 paragraphs (f), (g), (h), (i) and (j) are replaced as follows:
 h) Notwithstanding (g), maintenance of aircraft used by local-CAT operators, ELA 1 aircraft and balloons used for commercial air transport and components thereof may be carried out by **a Part-145 or Part-M Subpart F approved maintenance organisation.**

Justification:

The text can give the impression that only a Subpart F approved maintenance organization can carry out maintenance.

5. Art. M.A.201:

Any guidance is missing what kind of standards are required for community operators using a third country aircraft in a wet lease?

6. Item 113. Paragraph M.B.701 is replaced as follows:

The text as written shall be a requirement for the applicant and moved to Part A, or the existing wording shall be used.

(a) For commercial air transport the competent authority shall receive for approval with the initial application for the air operator's certificate and where applicable any variation applied for and for each aircraft type to be operated:

1. The continuing airworthiness management exposition;
2. The operator's aircraft maintenance programmes;
3. The aircraft technical log;
4. Where appropriate the technical specification of the maintenance contracts between the operator and Part-145 approved maintenance organisation.

Reword the text.

~~(a) Applicants for an initial approval in accordance with Part-OR Subpart-OPS, and~~

~~where applicable for any variation, shall provide the competent authority with:~~

~~i. the aircraft maintenance programme,~~

~~ii. the aircraft tech log, if applicable,~~

~~iii. where appropriate the technical specification of the maintenance contracts between the operator and an approved maintenance organisation pursuant to M.A. Subpart F or Part-145,~~

iv. for commercial air transport, except aircraft referred to in M.A.201 (j) and M.A.201(k), the

continuing airworthiness management exposition,

v. for operators referred to in M.A.201(j) and M.A.201 (k), and commercial operations other

than commercial air transport the technical specification of the contracts between the

operator and the approved continuing airworthiness management organisation.

(b) Applicants for an initial approval in accordance with Part-OR Subpart-ATO, and where

applicable for any variation, shall provide the competent authority with:

- i. the aircraft maintenance programme,
- ii. if applicable, the technical specification of the maintenance contracts between the
 - ATO and an approved maintenance organisation pursuant to M.A. Subpart F or
 - Part-145, and,
- iii. if applicable, the technical specification of the contracts between the ATO and the approved continuing airworthiness management organisation.

7. Item 118:

A generic issue with regard to the use of third country registered aircraft is missing. An ICAO 83bis or equivalent contract shall exist to regulate oversight responsibilities. Therefore oversight is not easy to be handled. The proposal of Annex V shall be carefully reviewed in light of ICAO 83bis.

It shall be noted that existing bilateral agreements or 83bis arrangements are valid until changed or revoked by Community Arrangements.

Subpart B – ~~ESSENTIAL~~ REQUIREMENTS

Comment:

Delete „Essential“

- Implementing Rules can according the Basic Regulation only design measures to amend non-essential elements of the BR Articles.
- In the title of Subpart Essential is correctly not included

7. T.1 Competent Authority

For the purpose of this Annex, the Competent Authority shall be:

1. For aircraft referred to in T.A.101 (i) the authority that has issued the approval pursuant to Part-OR Subpart-OPS to the Community operator
2. For aircraft referred to in T.A.101 (ii) the authority designated by the Member State where the operator resides or is established.
3. For aircraft referred to in T.A.101 (iii) the authority that has issued the approval pursuant to Part-OR Subpart-ATO.e notion of a non community commercial
 - air transport operator of a community registered aircraft as set out in NPA 2010-10.

Comment: To be consistent instead of the reference to T.A. 101 the full text shall be used – see also M1.

8. T.A.201

1/f. It complies with any applicable:

- (i) airworthiness directive adopted or mandated by the State of Registry **and state of design,**

Comment:

This shall be added that also the state of design ADs are taken into consideration, especially when aircraft are used from third countries where no agreement exists.

4. The following aircraft records shall be kept until the information contained has been superseded by new information equivalent in scope and detail but not less than ~~24~~**36** months:

Comment: 36 month is in line with the 3 year ARC interval.

4 c. Current status of compliance with all mandatory continuing airworthiness information developed or adopted by the State of Registry **and state of design**;

Comment:

This shall be added that also the state of design ADs are taken into consideration, especially when aircraft are used from third countries where no agreement exists.

9. T.A.210(8)

Additional requirements between wet lease agreement and code-share agreement might be different.

For wet lease more delegation of oversight function from the state of register might be required. This is not adequately reflected in the proposal.

Add a new requirement:

h. establish a system to report all occurrences, malfunction and defects to the state of register.

Comment:

A reporting system to the state of register shall be established.

10. T.A. 301

Add the following:

For complex motor-powered aircraft, the operating organisation shall establish procedures to monitor the performance and efficiency of the maintenance program to initiated the required correction and changes of that programme.

Comment:

It shall be noted, that the operator has the responsibility to monitor the performance and efficiency of the maintenance programme, because he is aware of the operating environment and the occurrence, malfunctions and defects, which has an impact of the content of the Maintenance programme.

11. T.A. 501

Add the following.

c. The organisation shall establish an occurrence, **malfunction and defect** reporting system in order to contribute to the aim of continuous improvement of the safety of products.

Comment:

This shall be added, to grant that also defects found during maintenance are

reported.

12. T.A. 502/1

- j. a description of the procedures for complying with the occurrence, **malfunction and defect** information reporting system requirements T.A.501 (b)(2);

Comment:

Reference to T.A.501 (b)(2) is not correct.

Add malfunction and defect.

12. Subpart G

This subpart shall be deleted and incorporated in Annex 1. The additional items shall be included in Annex 1.

13. Section B

This section shall be valid for the Agency as competent authority too,

14. T.B. 701

This is an applicant requirement and shall either be reworded or moved to Section A.

15. AMC T.A.704, 6.1.4

a) AD information

(This paragraph should explain what the AD information sources are (State of Registry, operator, manufacturer **and TC holder**) and who receives them in the organisation.

Comment:

TC holder would be the correct organization.

Walter GeBky

9.12.2010

response *Partially accepted*

Comment 1: Accepted. Article 1 amended and references to specific type of operations have been deleted. The particular requirements in Part-M will identify when it is applicable to a specific type of operation.

Comment 2: Accepted. Article 1 amended and references to specific type of

operations have been deleted. The particular requirements in Part-M or Part-T will identify when it is applicable to a specific type of operation.

Comment 3: Noted.

Comment 4: The proposed amendment to paragraph M.A.201 (g) is cancelled, therefore the change is not necessary.

Comment 5: Not accepted. M.A.201 does not affect to third country aircraft. Third country aircraft are dealt with in Part-T which would be presented in CRD-2.

Comment 6: Partially accepted. The existing wording of M.B.701 is kept.

Comments 7 to 15: These comments are going to be addressed in CRD-2.

General comments

p. 1

comment

14

comment by: UK CAA

Comment:

A number of paragraphs being proposed for change under NPA 2010-10 are also being proposed for change under NPA 2010-09. The proposed changes are made against the current text published in Commission Regulation (EC) No 2042/2003. The resulting text does not take into account the proposed amendments to the same paragraphs of (EC) 2042/2003 proposed by NPA 2010-09. (e.g. paragraphs M.A.201, M.B.701)

response

Not accepted

NPA 2010-10 and NPA 2010-09 contain proposals to amend Regulation (EC) No 2042/2003 as the result of two different rulemaking tasks. Each proposal has to be subject to consultation independently.

comment

18

comment by: UK CAA

Comment:

The principle of introducing the definition for Complex Motor Powered Aircraft (CMPA) in place of Large Aircraft is a good one but there are concerns that multi engine helicopters below the 3175 kg MTOM limit (e.g. Augusta 109E helicopter) now drop out of the requirements to be managed by a CAMO and to have Part 145 maintenance. Many of these rotorcraft are more complex than some of the conventional aircraft that now fall in to the CMPA category. Consideration should be given to including multi-engine helicopters in the Part M requirements applicable to CMPA.

response

Not accepted

The need for an organisation responsible for the continuing airworthiness management and a qualified maintenance organisation is established in Appendix 8 to the Basic Regulation, paragraph 8.g. These requirements are applicable to complex motor-powered aircraft and aircraft engaged in commercial operations. Extending these additional requirements to aircraft other than complex motor-powered aircraft would not be a proportionate measure. In addition, it has to be taken into account that aircraft other than complex motor-powered aircraft when used for commercial operations would be affected by the more demanding requirements.

comment

88

comment by: *Aero-Club of Switzerland*

The Aero-Club of Switzerland (AeCS), representing around 23000 members in all branches of sports aviation (hang-gliding excluded), thanks the Agency for the preparation of this NPA. As the AeCS is member of Europe Air Sports, it supports the position of the latter, the answers have been coordinated to the utmost extent.

General remarks:

a) Throughout the whole document "Member States" (the members of EASA) is to be used. Iceland, Norway and Switzerland are not members of the EU Community, but members of EASA. This official text has to present this situation correctly. (see e.g. page 6/80 "EU-operator", table on page 8/80 "EU-registered aircraft", 9/90 "Non -EU registered aircraft" page 12/80, pt. 26 "...in the Community", page 13/80, 32 B "non-community operators of EU-registered aircraft" and so on)

b) Everything the Agency proposes increases the financial burden on aviation. We should repeat our requests asking for real alleviations, for less bureaucracy, for more appropriate regulations for the light sector of aviation. No-one paying for a "Rundflug", a "baptême de l'air", expects commercial air transport standards! "Training", "pleasure", "special skills", are the key words of our activities, not "scheduled air transport from A to B". The rules and regulations must reflect these facts. Our community is not operating A380 taking off and approaching airports overflying very densely populated areas. The enormous differences between operating CS-25 aircraft and light aircraft must now be considered by the Agency. We really want to see appropriate rules governing our operations.

response

Not accepted

a) The Agency's Rulemaking Directorate contributes to the production of all EU legislation and implementation material related to the regulation of civil aviation safety and environmental compatibility. The Agency's opinions are submitted to the European Commission for adoption at EU level. Iceland, Liechtenstein, Norway and Switzerland are not Member States of the EU; however they have signed agreements with the EU in order to implement into their regulatory framework the EU regulation in the field of civil aviation safety and environmental compatibility. Whenever a reference is made to Member States, these are the European Union Member States and States associated to the Agency in accordance with Article 66 of the Basic Regulation.

b) The proposal does not amend the current requirements for aircraft other than complex motor-powered aircraft not engaged in commercial operations. In addition, the Agency has launched a task force to review the current requirements of Part-M for general aviation with the aim of improving its understanding and simplifying the requirements.

comment 96 comment by: *European Business Aviation Association (EBAA)*

EBAA has been in contact with its members and operators which are currently evaluating the impact of this NPA on Business Aviation operations, however it has been impossible for us to finalise our impact assessment before the deadline. Nevertheless, we know we will have substantial comments on this NPA which is very important for the future of our sector. **We would like to kindly request the extension of the deadline for the submission of comments by 1 week until 17 December 2010.**

response *Accepted*

Comments received from EBAA on December 17th have been considered.

comment 100 comment by: *René Meier, Europe Air Sports*

General

Europe Air Sports, the organisation representing European National Aero-Clubs and Air Sports Organizations in regulatory matters with European Authorities and Institutions, thanks the Agency for the preparation of this NPA.

General remarks

a) Throughout the whole document "Member States" (the members of EASA) is to be used. Iceland, Norway and Switzerland are not members of the EU Community, but members of EASA. This official text has to present this situation correctly. (see e.g. page 6/80 "EU-operator", table on page 8/80 "EU-registered aircraft", 9/90 "Non –EU registered aircraft" page 12/80, pt. 26 "...in the Community", page 13/80, 32 B "non-community operators of EU-registered aircraft" and so on)

b) Everything the Agency proposes increases the financial burden on aviation. We repeat our request for real alleviations, for less bureaucracy, for more appropriate regulations for the light sector of aviation. No-one paying for a "Rundflug", a "baptême de l'air", expects commercial air transport standards! "Training", "pleasure", "special skills", are the key words of our activities, not "scheduled air transport from A to B" with C"-25 aircraft. The rules and regulations must reflect these facts.

response *Not accepted*

See answer to comment number 88.

comment	<p>123 comment by: <i>European Business Aviation Association (EBAA)</i></p> <p><u>General comments:</u> The European Business Aviation Association (EBAA) wants to express its serious reservations about this NPA especially regarding the changes in the CAMO which according to our first estimations could have an extremely negative impact on smaller operators.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges receipt of the comment.</p>

TITLE PAGE

p. 1

comment	<p>98 comment by: <i>DGAC FRANCE</i></p> <p>As concerns issue 1 : complex motor-powered aircraft vs large aircraft, several aircraft will have to apply new requirements, for instance contract a continuing airworthiness management organisation approved pursuant to part M subpart G (CAMO) and a Part 145 organisation for types of operations where it was not already required. For those that were not in this configuration, it is necessary to allow a certain delay of at least 2 years before conforming to these new requirements.</p> <p>No specific comment linked to issue 2 commercial operations and commercial air transport.</p> <p>As concerns issue 3 and Part T, the present technical requirements for accepting the code share seem enough to ensure an appropriate level of safety, so DGAC France does not see any reason to strengthen those rules which could be a non necessary burden for our European airlines without safety improvements</p>
response	<p><i>Noted</i></p> <p>Issue 1: Noted</p> <p>Issue 2: Noted</p> <p>Issue 3: This comment is going to be addressed in CRD-2.</p>

A. EXPLANATORY NOTE - IV. Executive summary and summary table

p. 4

comment	<p data-bbox="352 362 395 398">89</p> <p data-bbox="906 362 1450 398" style="text-align: right;">comment by: <i>Aero-Club of Switzerland</i></p> <p data-bbox="352 450 496 486">Page 4/80</p> <p data-bbox="352 495 1450 562">8th bullet: The MTOM for ELA 1 aircraft is now at 1200 kg, see page 6/28 CRD to NPA 2008-07</p> <p data-bbox="352 571 1450 674">9th bullet: In a presentation held by the Agency the term "small CAT" was used. We could then not get answer to our question if a "small CAT" and a "local CAT" is the same animal. The Agency should clarify this situation.</p>
response	<p data-bbox="352 698 440 745"><i>Noted</i></p> <p data-bbox="352 797 1450 864">Issue 1: Opinion No 01/2011 was not adopted at the time NPA 2010-10 was issued.</p> <p data-bbox="352 873 1406 936">Issue 2: The concept of local-CAT included in the proposal has been dropped.</p>
comment	<p data-bbox="352 1010 411 1046">101</p> <p data-bbox="834 1010 1450 1046" style="text-align: right;">comment by: <i>René Meier, Europe Air Sports</i></p> <p data-bbox="352 1097 496 1133">Page 4/80</p> <p data-bbox="352 1142 1450 1209">8th bullet: The MTOM for ELA 1 aircraft is now at 1200 kg, see page 6/28 of the CRD to NPA 2008-07.</p> <p data-bbox="352 1218 1450 1321">9th bullet: In a presentation held by the Agency the term "small CAT" was used. I could then not get answer to my question if a "small CAT" and a "local CAT" is the same animal. We ask the Agency for a clarification.</p>
response	<p data-bbox="352 1346 440 1393"><i>Noted</i></p> <p data-bbox="352 1467 850 1503">See answer to comment number 89.</p>

A. EXPLANATORY NOTE - IV. Executive summary and summary table - TERMINOLOGY AND ACRONYMS	p. 4-5
---	--------

comment	2	comment by: <i>Enrico GIANOTTI</i>
		I don't understand to which kind of commercial operators local-CAT apply and utility of this new category.
response		<i>Noted</i>
		The concept of local-CAT included in the proposal has been dropped.

A. EXPLANATORY NOTE - IV. Executive summary and summary table - Summary of the proposal	p. 5
--	------

comment	65	comment by: <i>CAA-NL</i>
		<p>Our general concern is the growing complexity of the rule. To find the applicable continuous airworthiness requirements one has to find one's way in a four dimensional matrix. The four dimensions being:</p> <ul style="list-style-type: none"> • The complexity of the aircraft (or distinction large vs. non-large); • The type of operation; • The state of registration and • The geographical area of operation. <p>To describe this very complex situation within Part M makes it a very complex regulation were you could easily be lost. An example is the current proposal for Part M.B.701 where in the authority section of the maintenance requirements the necessary information for an applicant for an OPS organisational approval is described. The complexity will even grow with the proposals of NPA 2010-09.</p> <p>We would like to propose to restructure this part together with Part AR/OR and TCO in the following way:</p> <ul style="list-style-type: none"> • Include in Part M the various requirements when performing maintenance management or maintenance (CAMO and AMO-F, maintenance program and component maintenance). • Include in Part OR (and/or Part OPS) and Part TCO when which part(s) of Part M are applicable for that situation. For instance: <ul style="list-style-type: none"> ○ Non commercial operations with a complex aircraft under a declaration, the use of a CAMO is needed (contract) and maintenance has to be performed by a 145 AMO or ○ CAT operators have to have their own CAMO and maintenance

	<p>has to be performed by an appropriately approved AMO.</p> <p>In such a case the four-dimensional matrix will be demounted into pieces of acceptable complexity. If to accomplish this, it is necessary to introduce complex aircraft into the performance of maintenance we are willing to give up on our related concern.</p>
response	<p><i>Noted</i></p> <p>The Agency agrees that Part-M requires a restructuring in order to better group the general requirements applicable to all aircraft and the requirements which are applicable only to specific categories of aircraft or operations. Such restructuring is not part of this rulemaking task, and it will be considered during the development of MDM.055.</p>

comment	<p>99 comment by: GAMA</p> <p>GAMA represents the world's leading manufacturers of fixed-wing general aviation airplanes, engines, avionics, and components. In addition to building nearly all of the general aviation airplanes flying worldwide today, GAMA member companies also operate fleets of airplanes, fixed-based operations, pilot/technician training centers, and maintenance facilities worldwide.</p> <p>The General Aviation Manufacturers Association (GAMA) appreciates the opportunity to review and provide comments to NPA 2010-10 but is concerned with the lack of a thorough regulatory impact assessment discussed within the NPA. Specifically, as the Regulatory Impact Assessment captures the effects of the proposal to replace the concept of "large aircraft" in Regulation (EC) No 2024/2003 by the concept of "complex motor-powered aircraft" on aircraft models, it does not adequately consider the new regulatory burden or economic impact on the number of aircraft, operators, or increased maintenance costs the additional maintenance requirements will impose on them.</p> <p>GAMA will continue to coordinate with operators of effected aircraft to solicit additional feedback from industry to better understand the potential impacts of this NPA proposal upon General Aviation.</p>
---------	--

response	<p><i>Not accepted</i></p> <p>The replacement of the concept of 'large aircraft' by the concept of 'complex motor-powered aircraft' stems from the additional requirements imposed to complex motor-powered aircraft in paragraph 8.g of Annex IV to the Basic Regulation. The regulatory impact assessment in this NPA is not meant to justify this replacement, since it is a mandate of the Basic Regulation, but to highlight the effects. The Agency will welcome GAMA feedback.</p>
----------	---

**A. EXPLANATORY NOTE - IV. Executive summary and summary table - Issue
1: Complex motor-powered aircraft vs large aircraft**

p. 5

comment	<p>8 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><u>Issue 1: Complex motor-powered aircraft vs large aircraft</u> No objection.</p>
response	<p><i>Noted</i></p> <p>The Agency notes that the Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen) has no objection to the replacement of the concept of large aircraft by the concept of complex motor-powered aircraft.</p>
comment	<p>62 comment by: <i>CAA-NL</i></p> <p>Our concern has to do with the application of 'complex' aircraft instead of 'large' aircraft to the airworthiness requirements. We understand that this is done because of the introduction of the definition of complex motor-powered aircraft while deciding on the first extension of the Basic Regulation. At the same time it was decided to insert in Article 8g of Annex IV to the Basic Regulation the obligation to manage the airworthiness, of a complex aircraft by a CAMO, notwithstanding a similar requirement in part M.20 of Regulation 2042/2003 for large aircraft. From the discussions on the Airworthiness Implementing Rules and the extension of the Basic Regulation we understand that both definitions were tailored to the specific sector they are used in.</p> <p>We know that both definitions – complex and large aircraft - are not perfect but strongly believe that the definition 'large' is more suited for the performance of maintenance. We, for example, prefer the helicopters of group 2 of the table on page 24 to be maintained in an approved environment rather than on personal title at the same time accepting that also in group 1 there are some airplanes we rather see in an approved environment. This NPA is now replacing 'large aircraft' with 'complex aircraft' in the entire Part M, also changing the category of aircraft requiring Part 145 maintenance. Our preferred option on this issue would have been to restore the situation before the first extension, but as we realise this is not possible we would like to keep the notion 'large' as much as possible in the airworthiness field. Therefore we would like to limit the changes solely to the necessary in the CAMO field.</p>
response	<p><i>Not accepted</i></p> <p>Paragraph 8.g of Annex IV to the Basic Regulation specifically requires for complex motor-powered aircraft a qualified maintenance organisation. This would imply either the use of a Part-145 organisation or a Part-M Subpart-F organisation. NPA 2010-10 proposes that complex motor-powered aircraft would have to be</p>

maintained in a Part-145 organisation.
 Keeping both the concept of large aircraft and the concept of complex motor-powered aircraft in Part-M would increase the complexity of the rules, since it would be necessary to define and include requirements for additional categories of aircraft.

**A. EXPLANATORY NOTE - IV. Executive summary and summary table - Issue
 2: Commercial operations and commercial air transport**

p. 5-6

comment

9

comment by: *Swedish Transport Agency, Civil Aviation Department
 (Transportstyrelsen, Luftfartsavdelningen)*

[Issue 2: Commercial operations and commercial air transport](#)

Opinion of general interest

The requirements for the local-CAT operators and operators of ELA1 aircraft and balloons are reasonable.

The requirements to have the maintenance contract - opinion no 1

For operators (for M.A.201(k)(1) and (l)(1)) that have contracted a CAMO it would be reasonable to let the contracted CAMO establish and sign the maintenance contract on behalf of the operator since the CAMO is responsible for CAW.

An opportunity for the operator to contract the maintenance contract to the CAMO would make it easier for the operator.

This can be regulated in the contract between the operator and CAMO.

The requirements to have the maintenance contract - opinion no 2

No requirement for the NAA to approve the maintenance contract.

The operator is required to use an approved maintenance organization according to the regulation, there is no point in having the contracts approved by the NAA. The CAMO should always make sure that maintenance is carried out by the correct type of maintenance organization. This is also checked on a yearly basis through the extension or renewal of the ARC.

Opinions and questions about the Continuing Airworthiness contract

For operator operators acc to M.A.201(k)(1) and (l)(1).

Which Continuing Airworthiness contract shall be used?

M.A.201(e) (and M.A.201(f)) refer to Appendix I.

If it should refer to Appendix I, it should be updated with meetings.

There are 3 reasons for that.

No 1 - Meetings are required in:

- Appendix to AMC T.A.220 (3)(e) - Contracted maintenance)
- Appendix II to M.A. 201 (h)(1) – (subcontracting)
- Appendix XI to AMC to M.A.708 (c) - Contracted maintenance)

No 2 – There can be 3 parties in this solution to get this to work. (Operator, CAMO and Maintenance Organisation)

No 3 – Because of the “3 part solution” the contract should reflect meetings with the involved parts , as necessary.

Operational requirement should be mentioned in the CAMO contract. The CAMO needs to know what kind of operation that the A/C is involved in to secure the equipment level for the aircraft. This is also necessary for the development of the AMP.

Item 5.1.2.(f) in Appendix I

It should refer to: “according to the maintenance contract.”

Opinions and questions about the Maintenance contract

According to M.A.708 the maintenance contract should be approved by the authority when the CAT-operator has their own CAMO.

If the operator has a contracted CAMO (M.A.201(k)(1) and (l)(1)), should the authority approve the contract?

M.A.708 doesn't affect a contracted CAMO (for M.A.201(k)(l)), should the operator use Appendix XI to AMC M.A.708(c)?

It is only M.A.708(c) that refers to that.

If Appendix XI to AMC to M.A.708 (c) should be used for M.A.201(k)(l) it should be updated to cover the 3 parties. It is based between an operators own CAMO and a maintenance organisation.

Opinions and questions about the CAME

To get a better overview of the tasks and the complexity of the work performed by the CAMO, the following adjustments are suggested.

Appendix V to AMC M.A.704 should be updated with chapters for:

- List/copy of contracts as per M.A.201(e)(f)
- List/copy of contracts as per M.A.201(j)(k)(l)
- List/copy of Maintenance contracts for the contract as per M.A.201(j)(k)(l)

Today this list/copy of contracts must be included in the CAME section 5:

- 5.3 List of sub-contractors as per AMC M.A.201 (h) 1 and M.A.711 (a) 3.
- 5.5 Copy of contracts for sub-contracted work (appendix II to AMC M.A.201 (h)1).
- 5.4 List of approved maintenance organisations contracted.
- 5.6 Copy of contracts with approved maintenance organisations.

To cover from a “CAT”-CAMO to a “stand-alone” CAMO, the mentioned list/copy of contracts should be mentioned.

response *Partially accepted*

The comments regarding the need to clarify the contractual needs between a commercial operator, the contracted CAMO and the contracted maintenance organisations are accepted, although the proposed text has been amended

differently.

comment	63	comment by: CAA-NL
response	<p><i>Noted</i></p> <p>The Agency notes that no text was added to this comment.</p>	

comment	90	comment by: Aero-Club of Switzerland
response	<p>Page 5/80</p> <p>We should propose to the Agency not to use of the word “purposes” (for commercial purposes). “commercial operations” and “commercial air transport” should be used instead.</p> <p>Justification: In doing so confusion is avoided.</p> <p><i>Not accepted</i></p> <p>Paragraph 8.g of Annex IV to the Basic Regulation refers to ‘operation for commercial purposes’. We don't understand what kind of confusion can be created when using the wording ‘commercial purposes’.</p>	

comment	102	comment by: René Meier, Europe Air Sports
response	<p>Page 5/80</p> <p>We propose to the Agency not to use of the word “purposes” (for commercial purposes), “commercial operations” and “commercial air transport” should be used instead to avoid confusion.</p> <p><i>Not accepted</i></p> <p>Paragraph 8.g of Annex IV to the Basic Regulation refers to ‘operation for commercial purposes’. We don't understand what kind of confusion can be created when using the wording ‘commercial purposes’.</p>	

A. EXPLANATORY NOTE - IV. Executive summary and summary table - Issue 3: The scope of article 4(1)(c) of the Basic Regulation

p. 6-7

comment	48	comment by: <i>Transport Malta - Civil Aviation Directorate</i>
	What does 'operator' mean in such case? It is not very clear.	
response	<i>Noted</i>	
	Operator is defined in Article 3(h) of Regulation (EC) No 216/2008, as last amended, as any legal or natural person operating or proposing to operate one or more aircraft or one or more aerodromes.	

A. EXPLANATORY NOTE - IV. Executive summary and summary table - SUMMARY TABLE [EU registered aircraft (Part-M is applicable to them)]	p. 8
--	------

comment	91	comment by: <i>Aero-Club of Switzerland</i>
	Page 8/80	
	We did not find definitions for "commercial ATO" and "non-commercial ATO", we should have one, we think! A profit-oriented organisation like Swiss Aviation Training is a "commercial ATO"/"an ATO providing flight training for commercial purposes", our NPO-Clubs are "non-commercial ATO"/"providing flight training for other than commercial purposes", this should be defined somewhere on the first pages of the text. We know very well that not everyone within the Agency agrees with our wish for more definitions, saying that not definitions are necessary, but regulations. But how can we create regulations without having terms clearly defined?	
response	<i>Not accepted</i>	
	The definition of 'commercial operations' is already included in Article 3(i) of the Basic Regulation; there is no need to repeat this definition in this Regulation.	

comment	103	comment by: <i>René Meier, Europe Air Sports</i>
	Page 8/80	
	We did not find definitions for "commercial ATO" and "non-commercial ATO", we should have one, we think! A profit-oriented organisation like Swiss Aviation Training is a "commercial ATO"/"an ATO providing flight training for commercial purposes", our NPO-Clubs are "non-commercial ATO"/"providing flight training for other than commercial purposes", this should be defined somewhere on the first pages of the text.	

response *Not accepted*

The definition of 'commercial operations' is already included in Article 3(j) of the Basic Regulation; there is no need to repeat this definition in this Regulation.

A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - The definition of "complex motor-powered aircraft" p. 10-12

comment

11

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

[Alignment of Regulation \(EC\) No 2042/2003 with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme. \(CAT only\)](#)

The AMC M.A.302 doesn't give enough detail what can be an acceptable level.

An Appendix or an AMC 20-x is necessary to give guidance for the inspectors when assess and approve the AMP.

response

Accepted

AMC M.A.302 (h) is changed to GM M.A.302 (h) and further guidance is included.

comment

85

comment by: *Association of Asia Pacific Airlines*

AAPA requests clarification of whether the definition of "complex motor-powered aircraft" has been harmonised with other leading regulators such as the FAA, Transport Canada, CASA and more importantly considered by ICAO for inclusion as a SARP.

response

Noted

The definition of 'complex motor-powered aircraft' was introduced by Opinion No 03/2004.

The 'complex motor-powered aircraft' category includes the 'large aeroplane' category defined by ICAO Annex 6.

The definition is not harmonised with other regulatory partners; nevertheless, the safety objectives remain aligned.

comment

125

comment by: *European Business Aviation Association (EBAA)*Part M

The present Part M and the proposed changes of NPA 2010-10 are not proportionate to Business aviation operations, compared to the Commercial Air Transport activity. A business aviation operator has (Complex Motor-Powered Aircraft (CMPA)) operators could not afford to have all maintenance tasks performed by an approved Part 145 organization (M.A.201 (g)).

From our perspective this is due to a misinterpretation of the Annex IV paragraph 8 of the Basic Regulation ((EC) No 216/2008) who says that:

Quote

8.g. The tasks specified in point 6.a and those described in points 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements of Annex I point 3.a [Organisations (including natural persons undertaking design, manufacture or maintenance)], the following conditions:

(i) the organisation must be qualified for the maintenance of products, parts and appliances under its

responsibility "

Unquote.

The requirement of having all the maintenance tasks performed by a Part 145 is significantly more stringent than what is required by the Basic Regulation and we would like it is therefore revised.

Clearly Basic Regulation does not require that the task has to be "performed" by an approved Part 145 organization. At contrary Annex IV paragraph 8 opens the possibility that instead of an "organization", the task may be under the responsibility of "a natural person undertaking (...) maintenance", meaning a licensed mechanic.

This requirement clearly targets "Airline operations" that are using a limited number of large airports where qualified Part 145 organizations already exist for line maintenance. Business Aviation uses a very large number of small airports where qualified Part 145 organizations are not available and cannot be made available. No safety issue has been identified in the Business aircraft maintenance records that would justify implementing more stringent requirements than those of the Basic Regulation.

Moreover, instead of improving harmonization between the main regulatory Authorities rules, this requirement introduces a breach of competitiveness with the other countries where regulations allow a licensed mechanic to perform at least line and minor maintenance tasks (FAA for example).

Finally, to establish proportionate rules between Business Aviation operations and Airline operations, even if we recognize that some complex and heavy maintenance tasks should be better controlled and should be performed by Part 145 repair stations, we request that consideration is given to revising Part M to allow CMPA operators to have line maintenance and simple troubleshooting tasks performed by licensed mechanics.

response

Not accepted

Annex IV to the Basic Regulation, section 8, establishes additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft. In particular, paragraph 8.g requires that the tasks specified in 6.a, 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management. This organisation must meet the requirements of Annex I, point 3.a, and must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation.

This means that for the maintenance of complex motor-powered aircraft a qualified maintenance organisation is required.

Annex I to the Basic Regulation, point 3.a, specifies the following requirements applicable to maintenance organisations.

'Organisation approvals must be issued when the following conditions are met:

3.a.1. the organisation must have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

3.a.2. the organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;

3.a.3. the organisation must establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;

3.a.4. the organisation must establish an occurrence reporting and/or handling system, which must be used by the management system under point 3.a.2 and the arrangements under point 3.a.3, in order to contribute to the aim of continuous improvement of the safety of products.'

Independent certifying staff don't meet the requirements of Annex I point 3.a and therefore cannot be considered a qualified maintenance organisation as required by Annex IV point 8.g.

comment

133

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Concerning the definition of "complex motor-powered aircraft" Swiss FOCA has a comment as follows:

It is very well appreciated that airplanes like a Citation Jet which were just below the edge of 5'700 kg MTOM are now part of the complex motor-powered aircraft system. However, on the other hand you got away from the idea of multiple engined helicopters and instead bring in a MTOM > 3175 kg which creates the same situation for helicopters like we have today with large aircraft on the fixed wing side. You even mention this in the Explanatory Note V. 20 that multiple engined helicopters below 3175 kg MTOM will not be considered complex motor-powered aircraft and consequently have no obligation to contract neither a CAMO nor a Part 145 organisation when privately operated. We do not understand why e.g. an EC 135 is treated differently to other slightly heavier helicopters with the same complexity. Recommendation: The rulemaking group should add "helicopters with multiple engine" (back) into the limitations.

response

Not accepted

Annex IV, section 6, contains the essential requirements for continuing airworthiness that need to be met for the operation of any aircraft. The additional requirements described in section 8.g can only be imposed to operation for commercial purposes and complex motor-powered aircraft.

comment

134

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment to Issue 1 of NPA 10-2010 with regard to the proposed "Complex Aircraft Concept". As it appears, it was not considered by the Agency that in case of a change from the „large aircraft-“ to a „complex aircraft concept“, the allocation of Airplanes to the existing ratings (A1/A2) defined in M.A. 613, in Appendix IV as well as in AMC Appendix IX of Part M will no longer be possible unless that Rating system will also be changed accordingly. On the other hand this change would create a huge effort for the NAA's and the MO's because all of them would be required to adapt their existing Documents (MOE's / MOM's / EASA Form 2 / EASA Form 3 / EASA Form 6 etc. etc)

response

Not accepted

The aircraft ratings described in the scope of approval of the maintenance organisations, A1, A2, A3 and A4, are independent from the definition of 'large aircraft', and they will remain independent from the definition of 'complex motor-powered aircraft'.

A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - The definitions of "commercial air transport" and "commercial operations"	p. 12-13
---	----------

comment

92

comment by: *Aero-Club of Switzerland*

Page 13/80

Pt. 30 "Therefore this NPA proposes alleviations for the ELA 1 aircraft category, which will also include some small aeroplanes." This statement is not clear. First of all ELA 1 aircraft are not well suited for this kind of operations, and secondly which are these "small aeroplanes"? And how small have aeroplanes to be to be small aeroplanes, now we have just replaced "large" by "complex" in another context? We need clarification!

response

Noted

Paragraph 30 justifies the need to introduce some alleviations in the proposal for sailplanes and balloons and the consideration given to extend these alleviations to motor sailplanes, self-launching sailplanes and airships. The last sentence explains that the Agency considers that the alleviations could be extended to the ELA1 aircraft category which includes non-complex motor-powered airplanes of MTOM less than 1 000 kg.

The definition of ELA1 aircraft is included as a footnote as follows:
 'ELA1 aircraft' means the following European Light Aircraft:
 (i) an aeroplane, sailplane or powered sailplane with a Maximum Take-off Mass (MTOM) less than 1 000 kg that is not classified as complex motor-powered aircraft;
 (ii) a balloon with a maximum design lifting gas or hot air volume of not more than 3 400 m³ for hot-air balloons, 1 050 m³ for gas balloons, and 300 m³ for tethered gas balloons;
 (iii) an airship designed for not more than two occupants and a maximum design lifting gas or hot-air volume of not more than 2 500 m³ for gas airships.

comment

104

comment by: *René Meier, Europe Air Sports*

Page 13/80

Pt. 30 "Therefore this NPA proposes alleviations for the ELA 1 aircraft category, which will also include some small aeroplanes." We invite the Agency to correct this statement, in our view it is not correct.

Justification: According to CRD to NPA 2008-07 ELA is not a new category of aircraft, it is a substantially simpler new process for the regulation of aircraft and related products, parts and appliances. "Therefore this NPA proposes alleviations for the ELA 1 aircraft,..." is our proposal.

Furthermore: This statement is not clear! Which are these "small aeroplanes"? We need clarification!

response

Noted

The proposal has been amended and the proposed alleviations are not longer necessary.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.A. Introduction of the category of 'complex motor-powered aircraft' - Purpose and intended effects p. 23

comment

93

comment by: *Aero-Club of Switzerland*

Page 23/80

Pt. 63 Sectors concerned, just ahead of the table: Aircraft do no have an "s" in plural forms.

response *Accepted*

To be corrected.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.A.
Introduction of the category of 'complex motor-powered aircraft' - Sectors concerned p. 23-25

comment 22

comment by: *UK CAA*

Paragraph No: 63

Comment:

The Bell 430 is identified as a Group 2 aircraft based on the number of passengers and minimum crew.

Justification:

This aircraft should be Group 1 as for certain operations it requires 2 crew and the maximum number of passengers can be 10 persons, excluding crew. As referenced in the Canadian TCDS H 88 issue 11:

2 (pilots) For Category A, elevated helipad operation. Refer to flight manual.

The Model 430 can be approved for maximum occupants of 11 (including crew), i.e. maximum number of passengers of 10. (Refer Note 16 of Canadian TCDS H88.)

Proposed Text:

Move Bell 430 to Group 1 aircraft

response *Accepted*

Bell 430 falls into the 'complex motor-powered aircraft' category.

comment 105

comment by: *René Meier, Europe Air Sports*

Page 23/80

Pt. 63 Sectors concerned, just ahead of the table: Aircraft do not have an "s" in plural forms.

response *Accepted*

To be corrected.

**A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.A.
Introduction of the category of 'complex motor-powered aircraft' - Impacts**

p. 26

comment

23

comment by: UK CAA

Paragraph No: 65

Comment:

The impact assessment is questionable; the impact on safety is not true for helicopters as the relaxation for the Group 2 helicopters is not included in the safety case. These helicopters are complex aircraft technically, with multiple turbojet engines, sophisticated avionics and composite materials.

response

Noted

The Regulatory Impact Assessment in this NPA is not meant to assess which aircraft types should be considered as complex motor-powered aircraft. This is already defined in the Basic Regulation, where it is also specified which are the essential requirements for continuing airworthiness that apply to all aircraft (Appendix IV, paragraph 6) and which are the additional requirements for the aircraft used for commercial purposes and complex motor-powered aircraft (Appendix IV, paragraph 8).

comment

76

comment by: AOPA-Germany

The impact assessments in the whole document are very immature. IAOPA criticizes that EASA has not produced any safety statistics of General Aircraft through which safety-trends could be monitored. So far there is no indication that EASA rulemaking produces a higher level safety in European General Aviation.

The economic impact is also not assessed in a helpful way. It gives no information about the expected level of cost increase and on the impact of these cost increases. Will the number of aircraft operated in European General Aviation be reduced significantly? We are indeed afraid the answer is yes.

response

Not accepted

The replacement of the concept of 'large aircraft' by the concept of 'complex motor-powered aircraft' stems from the additional requirements imposed to complex motor-powered aircraft in paragraph 8.g of Annex IV to the Basic Regulation. The Regulatory Impact Assessment in this NPA is not meant to justify this replacement, since it is a mandate of the Basic Regulation, but to highlight the effects.

comment

94

comment by: *Aero-Club of Switzerland*

Page 26/80

VI.B. Introduction of new definitions for "commercial air transport" and "commercial operations": We propose to the Agency definitions for "private operations" and "club operations", these also should be defined somewhere on the first pages of the text. We know very well that not everyone within the Agency agrees with our wish for more definitions, saying that not definitions are necessary, but regulations. But how can we create regulations without having terms clearly defined?

Our proposal for:

Club Operation

means for the purpose of all relevant aviation regulations applicable to (EASA, not EU) Member States the operation of any aircraft within the structure of a non-profit oriented club over which the individual members have control, share the costs and the financial responsibilities. Flight training and cost-sharing flights available to third parties fall under this term provided that the flight instructor or the pilot of a cost-sharing flight is member of the club and that third parties are informed about the non-commercial nature of the flight.

Our proposal for

Private Operation

means for the purpose of all relevant aviation regulations applicable to (EASA, not EU) Members States the operation any aircraft for private operations by individual persons or legal entities provided they have full control over the operation of the aircraft.

response

Not accepted

It is not within the objectives of this NPA to define the different types of operations but to ensure that the additional requirements for aircraft used for commercial purposes specified in paragraph 8.g of Annex IV to the Basic Regulation are transposed into Regulation (EC) No 2042/2003.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.B. Introduction of new definitions for 'commercial air transport' and 'commercial operations' - Purpose and intended effects p. 26

comment

106

comment by: *René Meier, Europe Air Sports*

Page 26/80

VI.B. Introduction of new definitions for “commercial air transport” and “commercial operations”: My question: Should we propose to the Agency definitions for “private operations” and “club operations”. May we add to new definitions:

Our proposal for:

Club Operation

means for the purpose of all relevant aviation regulations applicable to (EASA, not EU) Member States the operation of any aircraft within the structure of a non-profit oriented club over which the individual members have control, share the costs and the financial responsibilities. Flight training and cost-sharing flights available to third parties fall under this term provided that the flight instructor or the pilot of a cost-sharing flight is member of the club and that third parties are informed about the non-commercial nature of the flight.

Our proposal for

Private Operation

means for the purpose of all relevant aviation regulations applicable to (EASA, not EU) Members States the operation any aircraft for private operations by individual persons or legal entities provided they have full control over the operation of the aircraft.

response

Not accepted

It is not within the objectives of this NPA to define the different types of operations but to ensure that the additional requirements for aircraft used for commercial purposes specified in paragraph 8.g of Annex IV to the Basic Regulation are transposed into regulation (EC) No 2042/2003.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.B. Introduction of new definitions for ‘commercial air transport’ and ‘commercial operations’ - Sectors concerned p. 27

comment

5

comment by: *Irish Aviation Authority*

I have reservations about the notion of a non community commercial air transport operator of a community registered aircraft.

In the explanatory section of this NPA it states that a community registered aircraft operated by a third country commercial air transport operator does not come within the current definition of commercial air transport and that consequently the provisions of 2042 of 2003 relating to commercial air transport do not apply. (See para 26, 27, 32 of the explanatory material)

This is presumably to do with the inability of a third country operator to obtain an operating license under 1008 of 2008 because its principal place of business is not within a Member state. (ie it cannot meet the provisions of article 4 of 1008 of 2008)

It must be assumed also from this position that the safety regulatory oversight of the aircraft in question has not been delegated in the context of article 4.1(b) of the basic regulation.

An Air Operator certificate is a certificate of competence issued to an air operator by the state of the Operator in accordance with Annex 6 to the Chicago convention.

In the EU, the Operating License is co dependant on the existence of an Air Operator Certificate issued by the same state. Usually the member state national law does not allow the AOC to continue if the Operating Licence is not sustained. The operator in effect cannot have one certificate without the other.

If there has been no delegation in the context of article 4.1.(b) of the basic regulation then the aircraft cannot be placed on the AOC of a third country because the third country would have no jurisdiction over the aircraft and would have no legal right to carry out the required surveillance on the AOC it had issued as required by Annex 6. So it must be presumed that it is not envisaged that these aircraft are to be placed on the AOC of a third country.

I am reminded of the EU Air Safety Committee position on states that issue an AOC without exercising the required regulatory oversight; a number of states were placed on the black list for this reason.

Consequently, if the aircraft cannot be placed on a foreign AOC, is it to be placed on an EU AOC? If this is the intention, then provisions would have to be made to make this possible and secondly this would make the AOC holder a community carrier at least in principal. Who would issue the operating licence?

In summary, how can a Member state registered aircraft be entered on the AOC of a third country (and used in commercial air transport) if no delegation in the context of article 4.1(b) of the basic regulation has occurred and the third country state of the operator has no legal jurisdiction to discharge its responsibilities under annex 6 to the Chicago Convention over the aircraft concerned?

response *Noted*

The transfer of responsibilities according to article 83bis of the Chicago Convention was thought to be used when the State of Registry may be unable to fulfil its responsibilities adequately in instances where aircraft are leased, chartered or interchanged by an operator of another State when the Convention may not adequately specify the rights and obligations of the State of Operator in such instances. However, States are not mandated to transfer their allocated responsibilities.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.B. Introduction of new definitions for 'commercial air transport' and 'commercial operations' - Impacts p. 27

comment 78 comment by: AOPA-Germany

The impact assessments in the whole document are very immature. IAOPA criticizes that EASA has not produced any safety statistics of General Aircraft through which safety-trends could be monitored. So far there is no indication that EASA rulemaking produces a higher level safety in European General Aviation.

The economic impact is also not assessed in a helpful way. It gives no information about the expected level of cost increase and on the impact of these cost increases. Will the number of aircraft operated in European General Aviation be reduced significantly? We are indeed afraid the answer is yes.

response *Noted*

The introduction of the concept of 'commercial operations' stems from the additional requirements imposed to operations for commercial purposes included in paragraph 8.g of Annex IV to the Basic Regulation. The Regulatory Impact Assessment in this NPA is not meant to justify this replacement, since it is a mandate of the Basic Regulation, but to highlight the effects.

comment 95 comment by: Aero-Club of Switzerland

Page 27

Pt. 70: The Agency writes on "Safety": "The amendment is expected to have a global positive impact due to the fact that the changes will increase the level of safety in the area of commercial operations where protection of property, passengers and persons on the ground should equally be ensured."

Our proposal: Replace "global" by "overall" or delete the word.

Justification: "Global" could be misinterpreted as "worldwide".

response *Accepted*

The word 'overall' adjusts better to the intended meaning of the sentence than the word 'global'.

comment 107 comment by: René Meier, Europe Air Sports

response	<p>Page 27</p> <p>Pt. 70: The Agency writes on "Safety": "The amendment is expected to have a <u>global</u> positive impact due to the fact that the changes will increase the level of safety in the area of commercial operations where protection of property, passengers and persons on the ground should equally be ensured." On what facts is this statement founded? We think "...to have an positive impact..." is sufficient.</p>
	<p><i>Accepted</i></p> <p>In this sentence the expression 'global positive impact' refers to the fact that considering all the different impacts the result is expected to be a positive impact.</p>

<p>B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Article 1</p>	<p>p. 34</p>
---	--------------

comment	<p>24 comment by: UK CAA</p> <p>Paragraph No: I Draft Opinion (EC) No 2042/2003 – Article 1 (Objective and Scope), paragraph 1</p> <p>Comment:</p> <p>This paragraph provides "common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft registered in a Member State ... unless regulatory safety oversight has been delegated to a third country and they are not used by a Community operator."</p> <p>This text implies an all or nothing delegation of regulatory safety oversight responsibilities. It is not clear about partial delegation of those regulatory safety oversight responsibilities. For the sake of clarity, the paragraph should highlight that those regulatory safety oversight responsibilities not delegated to a third country still needs to comply with this Regulation (2042/2003).</p> <p>Justification:</p> <p>Clarity.</p> <p>Proposed Text:</p> <p>Add a new sentence after "... and not used by a Community operator", as follows: " Those regulatory safety oversight responsibilities not delegated to the third country shall comply with this Regulation".</p>
response	<p><i>Not accepted</i></p> <p>The Agency considers that regulatory safety oversight responsibilities addressed by Regulation (EC) No 2042/2003 cannot be transferred partially to a third country.</p>

comment

53

comment by: *RECCHIA Giuseppe Guido***Comment 1**

In our opinion it should be used the term "transferred" instead of "delegated" to be in line with ICAO art. 83bis provisions. In our understanding, the use of "to delegate" implies that the delegated authority is only authorised to act as representative of the delegating authority but there is not a transfer of associated responsibility. We believe also that talking about transfer of regulatory safety oversight this should be referred to compliance with ICAO Standards and recommended practices

Comment n. 2

Last Statement : We do not believe that it is appropriate to have this provision under Reg. (EU) 2042/2003.

This kind of provisions it appears to be more appropriate to be provided in operational rules/licensing rules rather than in the continuing airworthiness regulation.

response

Partially accepted

Comment 1: Not accepted. Article 4(1)(b), 4(1)(c) and 4(1)(d) of the Basic Regulation use the term 'delegated'; therefore, in order to ensure coherence, 'delegated' is considered more adequate.

Comment 2: Accepted. This provision will be deleted from Regulation (EC) No 2042/2003.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Article 2

p. 34

comment

66

comment by: *CAA-NL*

2042/2003 Article 2(o)

In line with our comments on AR/OR in relation to approvals and declaration which is as follow:

'OR.OPS.DEC.100

(a) The following operators shall declare its capability and means to discharge the related responsibilities to the competent authority.

(1) An operator of non-commercial operation with complex motor-powered aircraft;

(2) An operator of commercial operation with non-power driven aircraft;

(3) An operator of commercial operation other than commercial air transport with non-complex motor-powered aircraft;

(4) Commercial air transport operations of passengers conducted under visual flight rule(VFR) day, starting and ending at the same aerodrome/operating site, with:

- (i) Non Complex Aeroplanes; or
- (ii) Non Complex Helicopters.

(b) The declaration and any change to the declaration shall be made on the form contained in Appendix I to this Part.'

We would like to suggest to change the First indent to a declaration.

response

Not accepted

In view of the comments expressing the complexity added to Part-M with this NPA, the Agency is going to remove the amendments proposed with regard to the concept of 'commercial air transport'.
This implies that the concept of 'local-CAT operator' is no longer necessary.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Article 4 p. 35

comment

45

comment by: *Graham HALLETT*

The alleviations for ELA1 aircraft and balloons allowing the contracting to subpart F and G organisations are sensible and are to be welcomed. However, for those aircraft falling the wrong side of this alleviation, there is no proportionality to the requirements. For example, the operator of a single 4 seat hot air airship, operating CAT, will be subject to the same requirements as an operator operating a fleet of Airbus's. It is precisely these smaller operators who will not have the in-house capabilities, which would benefit from being able to contract their airworthiness management activities.

response

Accepted

In view of the comments expressing the complexity added to Part-M with this NPA, the Agency is going to remove the amendments proposed with regard to the concept of 'commercial air transport'.
This means that the requirements for 'commercial air transport' will be applicable only to licensed air carriers in accordance with Regulation (EC) No 1008/2008.
The operation for commercial purposes of an airship will have to follow the requirements for commercial operations, which allow contracting the continuing airworthiness management to an appropriately approved CAMO.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 35

- M.1, paragraph 4

comment	<p>54 comment by: <i>RECCHIA Giuseppe Guido</i></p> <p>Comment It appears that the case dealt with in M.A.201e(ii) is not addressed. And since this contract may include, as provided under AMC M.A.201(e), indirect approval of MP, M.A.201(e)(ii) case is to be included</p> <p>Proposal Therefore the point b) should be : (b) the authority responsible for the oversight of the continuing airworthiness management organisation which is managing the continuing airworthiness of the aircraft or with which a limited contract in accordance with M.A.201(e)(ii) has been made by the owner .</p>
response	<p><i>Accepted</i></p> <p>Text amended as proposed by the commentator.</p>

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is p. 35-36 amended - M.A.201 paragraphs (f), (g), (h), (i) and (j)

comment	<p>1 comment by: <i>Enrico GIANOTTI</i></p> <p>It is not clear the necessity of the new definition of local-CAT operators if we consider that it will be more difficult to manage aircraft and components used in CAT and local-CAT in their life (i.e. component maintained by Subpart F could be installed on aircraft used in CAT). Which kind of work could be necessary to demonstrate the correctness of parts management</p>
response	<p><i>Not accepted</i></p> <p>In view of the comments expressing the complexity added to Part-M with this NPA, the Agency is going to remove the amendments proposed with regard to the concept of 'commercial air transport'. This implies that the concept of 'local-CAT operator' is no longer necessary.</p>

comment	<p>43 ❖ comment by: <i>Dassault Aviation</i></p>
---------	---

Dassault Aviation general comment:

During the NPA workshop held in Koln on 1 OCT 2010, several comments were raised highlighting that the present Part M and the proposed changes of NPA 2010-10 are not proportionate to the General Aviation and Business aviation activity, compared to the Commercial Air Transport activity. The main point that we want to raise here is the obligation for any Complex Motor-Powered Aircraft (CMPA) to have all maintenance tasks performed by an approved Part 145 organization (**M.A.201 (g)**).

During the workshop, it was answered by the EASA that this was an obligation due to the requirements contained in the Basic Regulation BR216-2008.

We do not concur with this answer and would like that this point is reconsidered in the Part M for the following reasons:

- BR216-2008 Annex IV paragraph 8 g says, quote"

8.g. The tasks specified in point 6.a and those described in points 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements of Annex I point 3.a [Organisations (including natural persons undertaking design, manufacture or maintenance)], the following conditions:

(i) the organisation must be qualified for the maintenance of products, parts and appliances under its responsibility Unquote".

BR does not require that the tasks are "performed" but only that they are "controlled" by an approved organization. Moreover, the parenthesis clearly opens the possibility that instead of an "organization", the task may be under the responsibility of "a natural person undertaking (...) maintenance", that is to say a licensed mechanic. The requirement of having all the maintenance tasks performed by a Part 145 is significantly more stringent than what is required by the Basic Regulation and we would like it is therefore revised.

- This requirement is also not proportionate to the General aviation and Business aviation activity : the Commercial Air Transport uses a limited number of large airports where qualified Part 145 organizations exist that can be used for line maintenance. General and Business aviation use a very large number of small airports where EASA Part 145 organizations are not available and cannot be made available.

- No safety issue has been identified in the Business aircraft maintenance records that would justify implementing more stringent requirements than those of the Basic Regulation.

- Instead of improving harmonization between the main regulatory Authorities rules, this requirement introduces a breach of competitiveness with the other countries where regulations allow a licensed mechanic to perform at least line and minor maintenance tasks (FAA for example).

To summarize: in order to establish proportionate rules for General and

Business aviation activity compared to the CAT, although we recognize that some complex and heavy maintenance tasks should be better controlled and should be performed by Part 145 repair stations, we request that consideration is given to revising Part M to allow non commercial operated CMPA to have line maintenance and simple troubleshooting tasks performed by licensed mechanics.

response *Not accepted*

Section 8 of Annex IV to the Basic Regulation establishes additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft. In particular, paragraph 8.g requires that the tasks specified in 6.a, 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management. This organisation must meet the requirements of Annex I, point 3.a, and must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such qualified organisation.

This means that for the maintenance of complex motor-powered aircraft a qualified maintenance organisation is required.

Point 3.a of Annex I to the Basic Regulation specifies the following requirements applicable to maintenance organisations.

'Organisation approvals must be issued when the following conditions are met:

3.a.1. the organisation must have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

3.a.2. the organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;

3.a.3. the organisation must establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;

3.a.4. the organisation must establish an occurrence reporting and/or handling system, which must be used by the management system under point 3.a.2 and the arrangements under point 3.a.3, in order to contribute to the aim of continuous improvement of the safety of products.'

Independent certifying staff don't meet the requirements of Annex I, point 3.a, and therefore cannot be considered a qualified maintenance organisation as required by Annex IV, point 8.g.

comment 55 comment by: RECCHIA Giuseppe Guido

Comment .

To avoid possible misunderstanding that maintenance may be performed by independent CS, when the aircraft is used in commercial operations other than CAT, we believe that a similar provisions as in subparagraph (g) of M.A.201 should be introduced.

Proposal

point (m) you proposed become (n) and a new paragraph (m) is to be added as follows:

(m) Maintenance of aircraft used for commercial operations other than commercial air transport and components thereof shall be carried out by a M.A. Subpart F or Part-145 approved maintenance organisation.

response *Accepted*

A provision to clarify that maintenance of aircraft used for commercial purposes shall be performed either by a Part-M Subpart-F or a Part-145 maintenance organisation will be added.

comment 68 comment by: CAA-NL

M.A.201

In all cases were a CAMO is contracted there should be a written contract according to Appendix 1, not only in the case of CMPA. When the operator operates under a declaration (ref comments to AR/OR) the contract has not to be approved by the authority.

M.A.201(g)

In line with our general comment please return to 'Large' Aircraft.

response *Partially accepted*

Comment 1: Accepted. The requirements and the contents of the contract between the owner/operator and the CAMO are clarified.

Comment 2: Not accepted; see answer to comment number 62.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - M.A.301, paragraphs (2), (4) and (7) p. 36

comment 56 comment by: RECCHIA Giuseppe Guido

Comment

We believe that the provision under point 2 may be extended to all the aircraft for which a MMEL has been produced and therefore a MEL can be derived from it.

Proposal

Therefore we suggest to remove the statement : "*for all complex motor-powered aircraft large aircraft or aircraft used for commercial operations air transport*" and to replace with "*for all aircraft for which a MMEL has been approved by the Agency,*"

response *Partially accepted*

Text amended, but not as suggested by the commentator.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 37
- M.A.302, paragraph (h)

comment 26

comment by: *UK CAA*

Paragraph No: 95 - M.A.302

Comment:

Human Factors are being introduced for the design and application of maintenance programme. There is insufficient depth and detail in the current statement, this should go further and be expanded to include the functions and processes of the CAMO, in particular the planning process.

response *Not accepted*

This is outside the objectives of this task which were established in the Terms of Reference.

comment 51

comment by: *Transport Malta - Civil Aviation Directorate*

'operator's' to be replaced by 'aircraft' in 95, as per standard terminology.

response *Accepted*

Text amended.

comment	69	comment by: CAA-NL
	<p>M.A.302(h)</p> <p>Please use a reference to M.A.201(k) as is used in other paragraphs for this category of aircraft, consistency reasons.</p>	
response	<i>Not accepted</i>	
	<p>The proposed paragraph M.A.201 (k) has been deleted.</p>	

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - M.A.504, paragraph (b) p. 37

comment	46	comment by: Graham HALLETT
	<p>For ELA1 aircraft and balloons there are alleviations from the extra regulations applying to CAT operations. A similar alleviation should be included here, permitting unserviceable components to be returned to the owners irrespective of the nature of the operations.</p>	
response	<i>Not accepted</i>	
	<p>Amendments to the requirements for the control of unserviceable components are not part of the objectives of this task.</p>	

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - M.A.703, paragraph (b) is deleted and paragraph (c) is renumbered p. 37

comment	57	comment by: RECCHIA Giuseppe Guido
	<p>Comment</p> <p>We believe that this paragraph should be maintained but excluding its applicability in respect of the case of a local-CAT operator, ELA1 aircraft and balloons used in CAT when CAMO is contracted by the operator. In the case of commercial air transport the CAMO approval is part of the AOC, except for those case wherte external CAMO may be contracted. This paragraph should be probably reworded afterwards, we suppose, based on the conclusions of the consultation of NPA 2010-09. it should be evaluated if this paragraph should be extended to the case of other commercial operation whe the operator itself is</p>	

approved as a CAMO.

Proposal

Therefore former paragraph (b) should be retained and should be reworded as follows:

(b) Notwithstanding paragraph (a), for commercial air transport except in the case of a local-CAT operator, ELA1 aircraft and balloons when the operator contract an appropriately approved M.A. Subpart G organisation, the approval shall be part of the air operator certificate issued by the competent authority, for the aircraft operated.

response *Partially accepted*

The proposed amendment to M.A.703 has been dropped and the text will remain unchanged.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - M.A. 704 (a) (9) p. 37

comment 27

comment by: UK CAA

Paragraph No: 101 – M.A.704

Comment:

Whilst the change to Point M.A. 704(a)(9) & (10) makes reference to the list of approved maintenance programmes for commercial air transport and the list of 'generic' and 'base line' maintenance programmes, to be included in the CAME, this does not address the CAMO listing the approved maintenance programmes of managed aircraft which may be either complex and non complex motor-powered aircraft (non CAT) in the CAME.

Justification:

Where a CAMO is managing complex/non complex powered aircraft, other than for commercial air transport purposes, these should also be listed in the CAME in order that they can effectively demonstrate the number of maintenance programmes under their control.

Proposed Text:

Amend point M.A. 704(a)(10) – 'For aircraft not involved in commercial air transport, the list of applicable approved maintenance programmes for aircraft managed by the CAMO and the list of 'Generic' and 'Baseline' maintenance programmes.'

response *Not accepted*

The CAMO can effectively demonstrate the number of maintenance programmes under their control by other means, such as the contracts with the aircraft owners.

comment

108

comment by: *RECCHIA Giuseppe Guido*

Comment

The provisions of point 9 and 10 seem to exclude, for example, the possibility of having the list of approved aircraft maintenance programmes also for aircraft referred to in M.A.201 (j) and M.A.201 (k) when CAMO managing those aircraft is itself the aircraft operator, which in our understanding is not the original intent of former M.A.704(a)(9) provision.

Proposal

paragraphs should be changed as follows:

9. For aircraft the M.A. subpart G organisation is managing, the list of approved aircraft maintenance programmes.

10. For aircraft type the M.A. subpart G organisation is not managing, the list of "generic" and "baseline" maintenance programmes.

response

Not accepted

The proposed amendments to M.A.704 (a)(9) and (10) have been dropped, therefore the requirement remains unchanged.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is p. 37-38 amended - M.A.706, paragraphs (b), (d) and (k) are amended

comment

109

comment by: *RECCHIA Giuseppe Guido*

Comment

The provision as it is written does not include aircraft referred to in M.A.201 (j) and M.A.201 (k) when the operator hold itself a CAMO approval under Part M.G.. In this case, we believe that it is appropriate to ask that the paragraph (a) accountable manager shall be the person who also has corporate authority for ensuring that all the operations of the operator can be financed and carried out to the standard required for the issue of an air operator's certificate.

Proposal

(b) For commercial air transport, except aircraft referred to in M.A.201 (j) and M.A.201(k) **when the operator contracts an appropriately approved M.A. Subpart G organisation to manage the continuing airworthiness of the aircraft**, the paragraph (a) accountable manager shall be the person who also has corporate authority for ensuring that all the operations of the operator can be financed and carried out to the standard required for the issue of an air operator's certificate.

response *Not accepted*

The proposed amendment to M.A.706 (b) has been dropped, therefore the requirement remains unchanged

comment 110

comment by: *RECCHIA Giuseppe Guido*

Comment

Taking into account intents of basic regulation in respect of standards for commercial operations, we believe that we should extend the provision of this paragraph also to commercial operations

Proposal

(k) For all ~~large~~ complex motor-powered aircraft and for aircraft used for commercial ~~air transport~~ **operations** the organisation shall.....

response *Not accepted*

This amendment has the objective to align with the concept of complex motor-powered aircraft introduced by the Basic Regulation. The change proposed by the commentator will be taken into account during the rulemaking task MDM.055 'New structure of the regulation and SMS embodiment'.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 38 - M.A.707 (a), a new paragraph 3 is added

comment 111

comment by: *RECCHIA Giuseppe Guido*

Comment

see comment on M.A.706, in M.A.707 it should be replaced commercial air transport with commercial operations. In addition in point 3 when referring to all ELA1 aircraft it should be added "used in commercial operation" because otherwise those aircraft are already under paragraph 2 provisions

Proposal

3. Notwithstanding paragraph 1, aircraft of 2730 kg MTOM and below used by local-CAT operators and all ELA1 aircraft **used in commercial operations**, the staff shall comply with the provisions of paragraph 2.

response *Not accepted*

The proposed amendment to M.A.707 (a) has been dropped.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 38
- M.A.708 paragraph (c) is amended

comment

77

comment by: CAA-NL

M.A.708(c)

In line with our comments on AR/OR and our general comment please change this paragraph in such a way that those organisations subject to a declaration do not need to have their contracts approved.

response

Not accepted

The change proposed by the commentator will be taken into account during the rulemaking task MDM.055 'New structure of the regulation and SMS embodiment'.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 39
- M.A.712 paragraphs (e) and (f) are replaced

comment

112

comment by: RECCHIA Giuseppe Guido

Comment

In point (e) it should be specified that the "except clause" is not true when the operator of the aircraft is itself approved in accordance with Part M.A. subpart G. Paragraph wording should be modified to clarify this issue
 Additionally we disagree to allow replacement of quality system with organisational review for any commercial air transport. In point (f) i. should therefore be removed "~~.....other than aircraft referred to in M.A.201(k)~~"

response

Partially accepted

The proposed amendment to M.A.712 (e) has been dropped, therefore the text remains unchanged.
 M.A.712 (f) has been amended.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 39
- M.A.803 paragraph (b) is amended

comment	70	comment by: CAA-NL
	<p>M.A.708(c)</p> <p>In line with our comments on AR/OR and our general comment please change this paragraph in such a way that those organisations subject to a declaration do not need to have their contracts approved.</p>	
response	<p><i>Not accepted</i></p> <p>The change proposed by the commentator will be taken into account during the rulemaking task MDM.055 'New structure of the regulation and SMS embodiment'.</p>	

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is p. 39-40 amended - M.A.901 paragraph is amended

comment	113	comment by: RECCHIA Giuseppe Guido
	<p>Comment</p> <p>under M.A.901(j), wording "...and subject to paragraph (k)" it should be replaced with "and subject to paragraph (l)" due to renumbering of paragraphs</p>	
response	<p><i>Not accepted</i></p> <p>The amendment to paragraph M.A.901 (j) is dropped, therefore the text remains unchanged.</p>	

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is p. 40-41 amended - M.B.105 is amended

comment	52	comment by: Transport Malta - Civil Aviation Directorate
	<p>In case of sub-contracting of CAM tasks to other CAMO's under the oversight of other Member States, the NAA of the CAT operator should inform the other NAA of the sub-contracted CAMO of the CAM subcontracting taking place. Maybe the Regulation should be more specific on this.</p> <p>It is also understood that sub-contracting can be done with non-CAMO organisations and in such case, for extra- European organisations it is difficult</p>	

	<p>to control such organisations.</p> <p>Issues related to manpower of sub-contractors may arise if oversight is weak. The requirement for auditing of sub-contractors is understood by the commentator, but issues related to manpower and resources may still arise given the remoteness of the sub-contractor from the NAA of the CAT operator.</p>
response	<p><i>Noted</i></p> <p>The commentator has not proposed any change to the affected paragraph.</p>

comment	<p>71 comment by: CAA-NL</p> <p>M.B.105 amendment</p> <p>This is already regulated in the BR and in AR/OR, and therefor can be deleted.</p>
response	<p><i>Not accepted</i></p> <p>AR/OR is not applicable to Regulation (EC) No 2042/2003; therefore this requirement cannot be deleted.</p>

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 41 - M.B.701 is replaced

comment	<p>114 comment by: RECCHIA Giuseppe Guido</p> <p>Comment</p> <p>under (a)iv, it should be specified that the "except clause" is true when the operator of the aircraft is not itself approved in accordance with Part M.A subpart G.</p> <p>It should be added also the case of commercial operations and ATO when the operator is itself approve in accordance with Part M.G.</p> <p>similarly, under (a)v, it should be specified that reference to operators referred to in M.A.201(j) and M.A.201(k) is true when the operator of the aircraft contracts an approved in accordance with Part M.G.</p> <p>Proposal</p> <p>iv. for commercial air transport, except aircraft referred to in M.A.201 (j) and M.A.201(k) when the operator is not itself appropriately approved under M.A. subpart G, the continuing airworthiness management exposition,</p> <p>v. for operators referred to in M.A.201(j) and M.A.201 (k) , and commercial operations other than commercial air transport when the operator has</p>
---------	--

contracted an organisation appropriately approved under M.A. subpart G, the technical specification of the contracts between the operator and the approved continuing airworthiness management organisation.

response *Not accepted*

The proposed amendment to paragraph M.B.701 is cancelled; therefore the text remains unchanged.

**B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 41
- M.B.703 paragraph (d) is amended**

comment 115

comment by: *RECCHIA Giuseppe Guido*

Comment

it should be specified that " except clause" in such requirement is true when the operator of the aircraft is not itself approved in accordance with Part M.G. In addition it should be referred generally to commercial operation

Proposal

(d) In the case of commercial air transport, except for aircraft referred to in M.A.201(j) and M.A.201(k) ***when the operator has contracted an organisation appropriately approved under M.A. subpart G***, the information contained on an EASA Form 14 will be included on the air operator's certificate.

response *Not accepted*

The proposed amendment to M.B.703 (d) is cancelled; therefore the text remains unchanged.

**B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended p. 41
- M.B.902 paragraph (b) is amended**

comment 116

comment by: *RECCHIA Giuseppe Guido*

Comment

see comment on the similar provision in M.A.707 in section A relevant to ARS

response *Noted*

The proposed amendment to M.B.902 is cancelled; therefore the text remains unchanged.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION APPROVAL CERTIFICATE p. 43-44

comment 117

comment by: *RECCHIA Giuseppe Guido*

Comment

Under CONDITIONS, the statement just below point 5, should be modified :

If this form is also used for commercial air transport operators other than operators referred to in M.A.201 (j) and M.A. 201 (k) **that have contracted an organisation appropriately approved under M.A. subpart G and for commercial operations operators that are itself appropriately approved under M.A. subpart G** ~~AOC holders~~, the AOC number shall be added to the reference, in addition to the standard number, and the condition 5 shall be replaced by the following extra conditions:

response *Partially accepted*

Text amended, but not as proposed by the commentator.

B. DRAFT OPINION(S) AND/OR DECISION(S) - II. Draft Decision AMC & GM p. 59-71 - II.A. Acceptable Means of Compliance (AMC) for Annex I (Part-M) to Regulation (EC) No 2042/2003 are amended

comment 38

comment by: *UK CAA*

Paragraph No: Appendix V to AMC M.A.704

Comment:

Whilst the change to Point M.A. 704 (a)(9) & (10) makes reference to the list of approved maintenance programmes and the list of 'Generic' and 'Base line' maintenance programmes, to be included in the CAME, this is not referenced in Appendix V to AMC M.A. 704.

Justification:

Further detail should be included in Appendix V to AMC M.A. 704, part 1.2 aircraft maintenance programmes – development and amendment and Appendix V to AMC M.A. 704, part 5 Appendices.

Proposed Text:

Appendix V to AMC M.A.704 - Part 1.2

Add (5) – **Listing of aircraft maintenance programmes.** This paragraph should explain how the definitive listing of Approved Maintenance Programmes, including 'Generic' and 'Baseline' programmes is controlled and updated accordingly by the organisation. Further reference should be made to Part 5 of the CAME.

Part 5 Appendices

5.7 – List of approved aircraft maintenance programmes. (Commercial Air Transport)

5.8 – List of non-commercial air transport approved maintenance programmes for managed aircraft.

5.9 – List of Generic and Baseline maintenance programmes.

response *Not accepted*

The amendment proposed by the commentator is not within the scope of this task.

Should the contents of the CAME need to be revised, this should be part of another rulemaking task.

comment 47

comment by: *Civil Aviation Office Poland*

Comments to M.A.302(h) and AMC.M.A.302(h)**Civil Aviation Office -Poland**

Civil Aviation Office of Poland is of the opinion that aspects listed in AMC M.A.302 (h) do not exhaust the subject completely. The ICAO Human Factors Training Manual is a very extensive document describing in-depth HF issues. There are many elements linked with the design and use of a maintenance program, e.g. documentation testing before use.

Mentioned aspects relate to human factors in the design of a maintenance program, but omit many important safety related issues. The aim of ICAO Annex 6 requirements as well as supporting ICAO documents (e.g. doc. 9683) is to minimize a risk of human error when performing maintenance tasks. This is why the appropriate design of operators' maintenance programs and their use is of such importance. The program will be helpful and easy to use if the mentioned aspects are taken into account - of course, other conditions can make it more safety orientated. **As a minimum a maintenance program should visibly list safety critical tasks** defined in M.A. and AMC. 402 (a) as a guidance on maintenance planning. Equally important is to consider the **outcomes of MSG-3 process and MRB Report** by defining **tasks resulting from the evident safety and hidden safety categories** in the design of a maintenance program. Another important issue to consider is **an independent control (called re-inspection)** requirement in case of **maintenance tasks performed on twin-engines aircraft types approved and used for ETOPS operations** .

	Our only doubt is: whether these requirements should be included in the draft EASA opinion (regulation) or the decision only (AMC).
response	<p><i>Partially accepted</i></p> <p>The proposed AMC M.A.302 (h) is changed to GM M.A.302 (h) and further guidance is provided.</p>
comment	<p>73 comment by: CAA-NL</p> <p>AMC MA704(a)(9).</p> <p>Please add the following AMC: 'The list must include the reference and the amendment status. The CAME may reference to a list or appendix'</p> <p>Appendix V to AMC MA704 is not amended to include a section for the list of maintenance programs required by MA704(a)(9). Suggest to add paragraph 5.X List of approved maintenance programs.</p> <p>AMC MA706(k)</p> <p>Please create an AMC to refer to AMC-20 for further guidance on certain aspects on the competences of personnel.</p>
response	<p><i>Not accepted</i></p> <p>The amendments proposed by the commentator are not within the scope of this task.</p>

VI. Resulting text

Draft Opinion (EC) No 2042/2003

12. Article 1 is replaced by the following:

Article 1

Objective and scope

This Regulation establishes:

1. Common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft registered in a Member State, including any

component installation therein, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator.

13. Article 2 is amended as follows:

Within the scope of ~~the basic~~ this Regulation, the following definitions shall apply:

(...)

(n) 'commercial air transport' means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire by a licensed air carrier as defined in Regulation (EC) No 1008/2008.

14. Article 3 is amended as follows:

1. The continuing airworthiness of aircraft referred to in Article 1(1) and components for installation therein shall be ensured in accordance with the provisions of Annex I.
2. Organisations and personnel involved in the continuing airworthiness of aircraft referred to in Article 1(1) and components for installation therein, including maintenance, shall comply with the provisions of Annex I and where appropriate those specified in Articles 4 and 5.
3. By derogation from paragraph 1, the continuing airworthiness of aircraft referred to in Article 1(1) holding a permit to fly, shall be ensured on the basis of the specific continuing airworthiness arrangements as defined in the permit to fly issued in accordance with the Annex (Part-21) to Commission Regulation (EC) No 1702/2003.
4. For aircraft referred to in Article 1(1) not used in commercial air transport, (...)

15. Article 4 (1) is replaced by the following:

1. Maintenance organisation approvals shall be issued in accordance with the provisions of Annex I, Subpart F, or Annex II.

Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended as follows:

16. In M.1, paragraph 4 is replaced as follows:

4. for the approval of maintenance programmes,
 - (i) the authority designated by the Member State of registry, or
 - (ii) if agreed with the Member State of registry prior to the approval of the maintenance programme:
 - (a) the authority designated by the Member State of the operator, or
 - (b) the authority responsible for the oversight of the continuing airworthiness management organisation managing the continuing airworthiness of the aircraft, or with which a limited contract in accordance with M.A.201(e)(ii) has been made by the owner.

17. In M.A.201 paragraph (e) (i) is amended as follows:

The owner of an aircraft may contract the tasks associated with continuing airworthiness to a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M). A written contract shall be made in accordance with Appendix I. In this case, the continuing airworthiness management organisation assumes responsibility for the proper accomplishment of these tasks.

18. In M.A.201 paragraphs (f) and (g) are amended as follows:

- (f) In the case of ~~large~~ **complex motor-powered** aircraft, in order to satisfy the responsibilities of paragraph (a) the owner of an aircraft shall ensure that the tasks associated with continuing airworthiness are performed by an approved continuing airworthiness management organisation. A written contract shall be made in accordance with Appendix I. In this case, the continuing airworthiness management organisation assumes responsibility for the proper accomplishment of these tasks.
- (g) Maintenance of ~~large~~ **complex motor-powered** aircraft, aircraft used for commercial air transport and components thereof shall be carried out by a Part-145 approved maintenance organisation.

19. In M.A.201 paragraphs (i) and (j) are replaced by the following:

- (i) In case of commercial operations, other than commercial air transport, the operator shall:
 - 1. ensure that paragraph (a) is satisfied;
 - 2. be appropriately approved, pursuant to M.A. Subpart G, for the management of the continuing airworthiness of the aircraft it operates or establish a written contract in accordance with Appendix I with such an organisation.
- (j) The continuing airworthiness management organisation referred to in (i)(2) shall:
 - 1. be appropriately approved in accordance with M.A. Subpart F or Part-145 for the maintenance of the aircraft, or
 - 2. establish a contract in accordance with M.A.708 (c) with such organisation.
- (k) The owner/operator is responsible for granting the competent authority access to the organisation/aircraft to determine continued compliance with this Part.

20. In M.A.301, paragraphs (2), (4) and (7) are amended as follows:

- 2. the rectification in accordance with data specified in point M.A.304 and/or point M.A.401, as applicable, of any defect and damage affecting safe operation taking into account, ~~for large aircraft or aircraft used for commercial air transport,~~ the minimum equipment list and configuration deviation list, if applicable ~~as applicable to the aircraft type;~~
- 4. for all ~~large~~ **complex motor-powered** aircraft or aircraft used for commercial air transport, the analysis of the effectiveness of the M.A.302 approved maintenance programme;
- 7. for non-mandatory modifications and/or inspections, for all ~~large~~ **complex motor-powered** aircraft or aircraft used for commercial air transport, the establishment of an embodiment policy;

21. In M.A.302, paragraph (c)(ii) is amended as follows:
- (ii) The continuing airworthiness management organisation shall not use the indirect approval procedure when this organisation is not under the oversight of the Member State of Registry, unless an agreement exists in accordance with point M.1, paragraph 4(ii) ~~or 4(iii), as applicable~~, transferring the responsibility for the approval of the aircraft maintenance programme to the competent authority responsible for the continuing airworthiness management organisation.
22. In M.A.302, paragraph (f) is amended as follows:
- (f) For ~~large aircraft~~ **complex motor-powered aircraft**, when the maintenance programme is based on maintenance steering group logic or on condition monitoring, the aircraft maintenance programme shall include a reliability programme.
23. In M.A.302, paragraph (h) is added as follows:
- (h) **For commercial air transport, the design and application of the aircraft maintenance programme shall observe human factor principles.**
24. In M.A.305, point (b)(2) is amended as follows:
- 2. ~~when required in point M.A.306 for commercial air transport or by the Member State for commercial operations other than commercial air transport~~, the operator's technical log.
25. In M.A.306, point (a) is amended as follows:
- (a) ~~In the case of~~ **For** commercial air transport operations, in addition to the requirements of M.A.305, an operator shall use an aircraft technical log system containing the following information for each aircraft:
(...)
26. In M.A.504, paragraph (b) is amended as follows:
- (b) Unserviceable components shall be identified and stored in a secure location under the control of an approved maintenance organisation until a decision is made on the future status of such component. Nevertheless, for aircraft not used in commercial air transport other than **complex motor-powered aircraft** ~~large aircraft~~, the person or organisation that declared the component unserviceable may transfer its custody, after identifying it as unserviceable, to the aircraft owner provided that such transfer is reflected in the aircraft logbook or engine logbook or component logbook.
27. In M.A.706, paragraphs (k) is amended as follows:
- (k) For all ~~large~~ **complex motor-powered** aircraft and for aircraft used for commercial air transport the organisation shall establish and control the competence of personnel involved in the continuing airworthiness management, airworthiness review and/or quality audits in accordance with a procedure and to a standard agreed by the competent authority;

28. In M.A.708, paragraph (c) is amended as follows:

- (c) ~~In the case of~~ For commercial operations ~~air transport~~, when the ~~operator approved~~ continuing airworthiness management organisation is not appropriately approved to Part-145 or Part-M.A. Subpart-F, the ~~operator organisation~~ shall establish a written maintenance contract ~~between the operator and~~ with a Part-145 or Part-M.A. Subpart-F approved organisation or another operator, detailing the functions specified under M.A.301-2, M.A.301-3, M.A.301-5 and M.A.301-6, ensuring that all maintenance is ultimately carried out by a Part-145 or Part-M.A. Subpart-F approved maintenance organisation and defining the support of the quality functions of M.A.712(b). The aircraft base, scheduled line maintenance and engine maintenance contracts, ~~if applicable~~, together with all amendments, shall be approved by the competent authority. However, in the case of:
1. an aircraft requiring unscheduled line maintenance, the contract may be in the form of individual work orders addressed to the Part-145 or Part-M.A. Subpart-F maintenance organisation.
 2. component maintenance, including engine maintenance, the contract as referred to in paragraph (c) may be in the form of individual work orders addressed to the Part-145 or Part-M.A. Subpart-F maintenance organisation.

29. In M.A.712, paragraph (f) is replaced as follows:

- (f) In the case of a small continuing airworthiness management organisation, the quality system may be replaced by regular organisational reviews subject to the approval of the competent authority, provided that:
- i. the organisation does not manage the continuing airworthiness of complex motor-powered aircraft or aircraft used in commercial operations, and
 - ii. the organisation does not issue airworthiness review certificates for aircraft above 2 730 kg MTOM other than balloons.
- In the case where there is no quality system, the organisation shall not contract continuing airworthiness management tasks to other parties.

30. In M.A.801, paragraph (c) is amended as follows:

- (c) By derogation from point M.A.801(b)2 for ELA1 aircraft not used in commercial ~~operations~~ ~~air transport~~, aircraft complex maintenance tasks listed in Appendix VII may be released by certifying staff referred to in point M.A.801(b)2;

31. In M.A.803, paragraph (b) is amended as follows:

- (b) For any ~~privately operated~~ non-complex motor-powered aircraft of 2 730 kg MTOM and below, sailplane, powered sailplane or balloon, ~~that are not used in commercial operations~~, the pilot-owner may issue a certificate of release to service after limited pilot-owner maintenance as specified in Appendix VIII.

32. Paragraph M.A.901 (g) is amended as follows:

- (g) By derogation from points M.A.901(e) and M.A.901(i)2, for ELA1 aircraft not used in commercial ~~operations~~ ~~air transport~~ and not affected by point M.A.201(i), the airworthiness review certificate may also be issued by the competent authority upon satisfactory assessment, based on a recommendation made by certifying staff

formally approved by the competent authority and complying with provisions of Annex III (Part-66) as well as requirements laid down in point M.A.707(a)2(a), sent together with the application from the owner or operator. This recommendation shall be based on an airworthiness review carried out in accordance with point M.A.710 and shall not be issued for more than two consecutive years;

33. Paragraph M.B.105 (a) is amended as follows:

- (a) In order to contribute to the improvement of air safety, the competent authorities shall participate in a mutual exchange of all necessary information in accordance with Article 44~~15~~ of the Basic Regulation.

34. Appendix I is amended as follows:

(...)

3. It shall contain as a minimum the:

- aircraft registration,
- aircraft type,
- aircraft serial number,
- aircraft owner or registered lessee's name or company details including the address,
- M.A. Subpart-G approved continuing airworthiness organisation details including the address.,
- type of operation.

4. It shall state the following:

The owner entrusts to the approved organisation the management of the continuing airworthiness of the aircraft, the development of a maintenance programme that shall be approved by the ~~airworthiness authorities~~ **competent authority** of the Member State where the aircraft is registered, and the organisation of the maintenance of the aircraft according to said maintenance programme ~~in an approved organisation~~.

(...)

35. Appendix VI, page 1, is amended as follows:

Appendix VI

Continuing Airworthiness Management Organisation Approval referred to in Annex I (Part-M) Subpart-G.

[MEMBER STATE*]

A Member of the European Union **

CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION

APPROVAL CERTIFICATE

Reference: [MEMBER STATE CODE *].MG.XXXX (ref. AOC XX.XXXX)

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 2042/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE *] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a continuing airworthiness management organisation in compliance with Section A, Subpart-G of Annex I (Part-M) of Regulation (EC) No 2042/2003, approved to manage the continuing airworthiness of the aircraft listed in the attached schedule of approval and, when stipulated, to issue recommendations and airworthiness review certificates after an airworthiness review as specified in point M.A.710 of Annex I (Part-M), and, when stipulated, to issue permits to fly as specified in point M.A.711(c) of Annex I (Part-M) of the same regulation.

CONDITIONS

1. This approval is limited to that specified in the scope of approval section of the approved continuing airworthiness management exposition as referred to in Section A, Subpart-G of Annex I (Part-M) of Regulation (EC) No 2042/2003.
2. This approval requires compliance with the procedures specified in Annex I (Part-M) to Regulation (EC) No 2042/2003 approved continuing airworthiness management exposition,
3. This approval is valid whilst the approved continuing airworthiness management organisation remains in compliance with Annex I (Part-M) to Regulation (EC) No 2042/2003.
4. Where the continuing airworthiness management organisation contracts under its Quality System the service of an(several) organisation(s), this approval remains valid subject to such organisation(s) fulfilling applicable contractual obligations.
5. Subject to compliance with the conditions 1 to 4 above, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

If this form is also used for ~~AOC holders~~ commercial air transport operators, the AOC number shall be added to the reference, in addition to the standard number, and the condition 5 shall be replaced by the following extra conditions:

6. This approval does not constitute an authorisation to operate the types of aircraft referred in paragraph 1. The authorisation to operate the aircraft is the Air Operator Certificate (AOC).

7. Termination, suspension or revocation of the AOC automatically invalidates the present approval in relation to the aircraft registrations specified in the AOC, unless otherwise explicitly stated by the competent authority.

8. Subject to compliance with the previous conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Signed:

Date of this revision:Revision No:

For the Competent Authority: [COMPETENT AUTHORITY OF THE MEMBER STATE *]

Page ... of

(...)

EASA Form 14 Issue 34

II. Draft Decision AMC & GM

II.A. Acceptable Means of Compliance (AMC) for Annex I (Part-M) to Regulation (EC) No 2042/2003 are amended as follows:

36. AMC M.A. 301 (1) paragraph 3 is amended as follows:

In the case of commercial air transport, an operator should publish guidance to maintenance and flight personnel and any other personnel performing pre-flight inspection tasks, as appropriate, defining responsibilities for these actions and, where tasks are contracted to other organisations, how their accomplishment is subject to the quality system of M.A.712. It should be demonstrated to the competent authority that pre-flight inspection personnel have received appropriate training for the relevant pre-flight inspection tasks. The training standard for personnel performing the pre-flight inspection should be described in the operator's continuing airworthiness management exposition of the organisation managing the continuing airworthiness of the aircraft.

37. AMC M.A.301 (2) is amended as follows:

In the case of commercial air transport operations the operator should have a system to ensure that all defects affecting the safe operation of the aircraft are rectified within the limits prescribed by the approved minimum equipment list (MEL) or configuration deviation list (CDL) as appropriate if applicable; also ~~Also~~ that such defect rectification cannot be postponed unless agreed by the operator and in accordance with a procedure approved by the competent authority.

In the case of commercial air transport or complex motor-powered aircraft large aircraft, a system of assessment should be in operation to support the continuing airworthiness of an aircraft and to provide a continuous analysis of the effectiveness of the M.A. Subpart-G approved continuing airworthiness management organisation's defect control system in use.

(...)

38. AMC M.A.302 (f), point 2 is amended as follows:

2. Reliability programmes need not be developed for aircraft ~~not considered as large aircraft or~~ that contain overhaul time periods for all significant aircraft system components.

39. AMC M.A.306 (a) Operators technical log system is amended as follows:

~~For commercial air transport the~~ The operator's aircraft technical log is a system for recording defects and malfunctions during the aircraft operation and for recording details of all maintenance carried out on an aircraft between scheduled base maintenance visits. In addition, it is used for recording flight safety and maintenance information the operating crew need to know.

(...)

40. AMC M.A.501(c), point 1 (b) is amended as follows:

- (b) For sailplanes and powered sailplanes, non-required instruments and/or equipment certified under the provision of CS 22.1301(b), if those instruments or equipment, when installed, functioning, functioning improperly or not functioning at all, do not in ~~themselves~~ itself, or by ~~theirs~~ effect upon the sailplane and its operation, constitute a safety hazard.

41. In AMC M.A.704, points 2 and 3 are amended as follows:

2. A continuing airworthiness management exposition should comprise:

Part 0 General organisation

Part 1 Continuing airworthiness procedures

Part 2 Quality system or organisational review (as applicable)

Part 3 Contracted maintenance (for ~~operators~~ commercial operations) — management of maintenance (liaison with maintenance organisations in the case of non-commercial ~~air transport operations~~)

Part 4 Airworthiness review procedures (if applicable)

3. Where an M.A. Subpart-G organisation is also approved to another Part, the exposition or manual required by the other Part may form the basis of the continuing airworthiness management exposition in a combined document. Example for a combined Part-145 and M.A. Subpart-G organisation:

Part-145 Exposition

Part 1 Management

Part 2 Maintenance procedures

Part L2 Additional line maintenance procedures

Part 3 Quality system and/or organisational review (as applicable)

Part 4 Contracts with owners/operators

Part 5 Appendices (sample of documents)

Part 7 FAA supplement (if applicable)

Part 8 TCCA supplement (if applicable)

Part 3 should also cover the functions specified by M.A.712 quality system.

Part 4 should also cover contracted maintenance (for ~~commercial operations operators~~) — management of maintenance (liaison with maintenance organisations in the case of non-commercial ~~air transport operations~~)

(...)

42. AMC M.A.708 (c) is amended as follows:

1. Where ~~an operator~~ the organisation is not approved under Part-145/Part-M.A. Subpart-F or an operator's maintenance organisation is an independent organisation, a contract should be ~~agreed~~ established between the ~~continuing airworthiness management organisation operator~~ and a maintenance organisation approved under Part-145/Part-M.A. Subpart-F, which specifies, in detail, the work to be performed by the maintenance organisation. Appendix XI to this AMC gives further details on the subject.
2. Both the specification of work and the assignment of responsibilities should be clear, unambiguous and sufficiently detailed to ensure that no misunderstanding should arise between the parties concerned (operator, ~~continuing airworthiness management organisation~~, maintenance organisation and the competent authority) that could result in a situation where work that has a bearing on the airworthiness or serviceability of aircraft is not or will not be properly performed.
3. (...)
4. For line maintenance, the actual layout of the contract the IATA Standard Ground Handling Agreement, ~~Line Maintenance Contract Standard~~, published in the IATA Airport Handling Manual AHM810, may be used as a basis, but this does not preclude the competent authority of ~~operator~~the organisation from ensuring that the content of the contract is acceptable to them, and especially that the contract allows the ~~operator~~organisation to properly exercise its maintenance responsibility. Those parts of a contract that have no bearing on the technical or operational aspects of airworthiness are outside the scope of this paragraph.
5. It is possible to contract another operator that is not directly approved under Part-145/Part-M.A. Subpart-F. In this case the ~~operator's~~ continuing airworthiness management exposition should include appropriate procedures to ensure that all this contracted maintenance is ultimately performed on time by organisations approved under Part-145/Part-M.A. Subpart-F in accordance with the contracting operator's data. In particular the quality system procedures should place great emphasis on monitoring compliance with the above. The list of Part-145/Part-M.A. Subpart-F approved contractors, or a reference to this list, should be included in the ~~operator's~~ continuing airworthiness management exposition.
6. (...)
7. The purpose of M.A.708(c) is to ensure that all maintenance is carried out by properly approved Part-145/Part-M.A. Subpart-F organisations. This does not preclude a primary maintenance arrangement with an operator that is not such an organisation, when it proves that such an arrangement is in the interest of the operator by simplifying the management of its maintenance, and the operator keeps an appropriate control of it. Such an arrangement should not preclude the ~~operator~~continuing airworthiness management organisation from ensuring that all maintenance is performed by a Part-145/Part-M.A. Subpart-F approved organisation and complying with the M.A.201 continuing airworthiness responsibility requirements. Typical examples of such arrangements follow:

— Component maintenance:

The ~~operator~~ continuing airworthiness management organisation may find it more appropriate to have a primary contractor, that would despatch the components to appropriately approved organisations, rather than sending ~~himself~~ different types of components to various maintenance organisations approved under Part-145/Part-M.A. Subpart-F. The benefit for the ~~operator~~ continuing airworthiness management organisation is that the management of maintenance is simplified by having a single contact point for component maintenance. The ~~operator~~ continuing airworthiness management organisation remains responsible for ensuring that all maintenance is performed by maintenance organisations approved under Part-145/Part-M.A. Subpart-F and in accordance with the approved standard.

— Aircraft, engine and component maintenance:

The ~~operator~~ continuing airworthiness management organisation may wish to have a maintenance contract with ~~another~~ an operator of the same type of aircraft not approved under Part-145/Part-M.A. Subpart-F. A typical case is that of a dry-leased aeroplane between operators where the parties, for consistency or continuity reasons (especially for short term lease agreements), find it appropriate to keep the aeroplane under the current maintenance arrangement. Where this arrangement involves various Part-145/Part-M.A. Subpart-F approved contractors, it might be more manageable for the lessee ~~operator~~ continuing airworthiness management organisation to have a single contract with the lessor operator. Such an arrangement should not be understood as a transfer of responsibility to the lessor operator: the lessee ~~operator~~ continuing airworthiness management organisation, being the ~~approved operator~~ organisation managing the continuing airworthiness of the aircraft, remains responsible for the continuing airworthiness of the aircraft in performing the M.A.708 functions, and employing the M.A.706 continuing airworthiness management group of persons and staff.

In essence, this does not alter the intent of M.A.201 (h) and (j) in that it also requires ~~that the operator has to establish~~ the establishment of a written maintenance contract acceptable to the competent authority of ~~operator~~ the continuing airworthiness management organisation and, whatever type of acceptable arrangement is made, the ~~operator~~ continuing airworthiness management organisation is required to exercise the same level of control on contracted maintenance, particularly through the M.A.706 (c) continuing airworthiness management group of persons and quality system as referred to in M.A.712.

43. AMC M.A.711 (b) is amended as follows:

An organisation may be approved for the privileges of M.A.711(a) only, without the privilege to carry out airworthiness reviews. This can be contracted to another appropriately approved organisation. ~~In such a case, it is not mandatory that the contracted organisation is linked to an AOC holder, being possible to contract an appropriately approved independent~~ continuing airworthiness management organisation which is approved for the same aircraft type.

44. AMC M.A.803 is amended as follows:

~~1. Privately operated means the aircraft is not operated pursuant to M.A.201 (h) and (i).~~

~~2.1~~ (...)

~~3-2~~ (...)

~~4-3~~ (...)

45. In AMC M.B.301 (b), point 6 is amended as follows:

6. In the case of commercial air transport, or ~~complex motor-powered~~ ~~large~~ aircraft, development of the approved operator's maintenance programme is dependent upon sufficient satisfactory in-service experience which has been properly processed. In general, the task being considered for escalation beyond the MRB limits should have been satisfactorily repeated at the existing frequency several times before being proposed for escalation. Appendix I to AMC M.A.302 and M.B.301 (b) gives further information.

46. In AMC M.B.301(c), point 3 is amended as follows:

3. When the competent authority requests, the organisation should make provision for the attendance ~~of~~ a competent authority's representative at meetings held to consider maintenance implications arising from reviews of the above provisions.

47. Appendix V to AMC M.A.704, the table of content is amended as follows:

(...)

1.1 Aircraft technical log utilisation and MEL application, ~~if applicable.~~ ~~(commercial air transport).~~

Aircraft continuing airworthiness record system utilisation ~~(non-commercial air transport).~~

(...)

48. Appendix V to AMC M.A.704, part 0.1 is amended as follows:

(...)

In the case of commercial ~~air transport operations~~, suspension or revocation of the approval of the Part-M Subpart-G continuing airworthiness management approval ~~or the non-existence~~ of the contract, ~~as required by M.A.201~~, would invalidate the AOC ~~or approval for commercial operations.~~

49. Appendix V to AMC M.A.704, part 0.2 is amended as follows:

a) Brief description of the organisation

(This paragraph should describe broadly how the whole organisation [i.e. including the whole operator ~~if part of the same organisation~~ ~~in the case of commercial air transport~~ or the whole organisation when other approvals are held] is organised under the management of the accountable manager, and should refer to the organisation charts of paragraph 0.4.)

(...)

c) Aircraft managed — Fleet composition

(...)

For commercial ~~air transport operations~~, the fleet composition reference with the aircraft registrations is given by Joe Bloggs Airlines' current AOC ~~or approval for commercial operations~~ (or else where e.g. in the Operation Manual, by agreement of the competent authority)

50. Appendix V to AMC M.A.704, part 0.3 is amended as follows:

(...)

- b) Nominated post holder for continuing airworthiness ~~(for commercial air transport)~~ referred to in M.A.706 (d)

(This paragraph should:

- Emphasise that the nominated post holder for continuing airworthiness is responsible to ensure that all maintenance is carried out on time to an approved standard.
- Describe the extent of his authority as regards his Part-M responsibility for continuing airworthiness.

~~This paragraph is not necessary for organisations not holding an AOC)~~

(...)

51. Appendix V to AMC M.A.704, part 0.4 is amended as follows:

- a) General organisation chart

This flow chart should provide a comprehensive understanding of the whole company's organisation, as described in 0.2 a). For example, in the case of ~~an AOC holder~~ a commercial air transport operator.

(...)

- b) Continuing airworthiness management organisation chart

(...)

For example, in the case of ~~an AOC holder~~ a commercial air transport operator.

52. Appendix V to AMC M.A.704, part 1.1 is amended as follows:

- b) M.E.L. application

(...)

This paragraph does not apply to those types of aircraft that do not have an MEL ~~or are not used for commercial air transport and that~~ are not required to have one.

(...)

- (4) Acceptance by the crew ~~(For commercial air transport)~~

(...)

53. Appendix VII to AMC M.B.702(f), Part 3 is amended as follows:

(...)

- 1.1 Aircraft technical log utilisation and MEL application, **if applicable**. (~~commercial air transport~~).—Aircraft continuing airworthiness record system utilisation (~~non commercial air transport~~).

54. Appendix XI to AMC to M.A.708(c) is amended as follows:

CONTRACTED MAINTENANCE

1. Maintenance contracts

The following paragraphs are not intended to provide a standard maintenance contract but to provide a list of the main points that should be addressed, when applicable, in a maintenance contract between ~~an Operator~~ a **continuing airworthiness management organisation** and a Part-145/Part-M Subpart-F approved organisation, **hereafter referred to as approved maintenance organisation**. As only the technical parts of the maintenance contracts have to be acceptable to the competent authority, the following paragraphs only address technical matters and exclude matters such as costs, delay, warranty, etc.

When maintenance is contracted to more than one ~~Part-145 approved~~ **maintenance organisation** (for example aircraft base maintenance to X, engine maintenance to Y and line maintenance to Z1, Z2 & Z3), attention should be paid to the consistency of the different maintenance contracts.

A maintenance contract is not normally intended to provide appropriate detailed work instruction to the personnel (and is not normally distributed as such). Accordingly there should be established organisational responsibility, procedures and routines in the ~~operator's~~ M.A. Subpart-G & ~~Part-145 approved~~ **maintenance organisation** to take care of these functions in a satisfactory way such that any person involved is informed about his/her responsibility and the procedures which apply. These procedures and routines can be included/appended to the ~~operator's~~ CAME and **approved** maintenance organisation's **manual** ~~MOE~~ or consist in separate procedures. In other words procedures and routines should reflect the conditions of the contract.

2. Aircraft/Engine maintenance

The following subparagraphs may be adapted to a maintenance contract that applies to aircraft base maintenance, aircraft line maintenance and engine maintenance.

Aircraft maintenance also includes the maintenance of the engines and APU while they are installed on the aircraft.

2.1. Scope of work

The type of maintenance to be performed by the ~~Part-145 approved~~ **maintenance organisation** should be specified unambiguously. In case of line

and/or base maintenance, the contract should specify the aircraft type and, preferably include the aircraft's registrations.

In case of engine maintenance, the contract should specify the engine type.

2.2. Locations identified for the performance of maintenance/Certificates held

The place(s) where base, line or engine maintenance, as applicable, will be performed should be specified. The certificate held by the approved maintenance organisation at the place(s) where the maintenance will be performed should be referred to in the contract. If necessary the contract may address the possibility of performing maintenance at any location subject to the need for such maintenance arising either from the unserviceability of the aircraft or from the necessity of supporting occasional line maintenance.

2.3. Subcontracting

The maintenance contract should specify under which conditions the Part-145 approved maintenance organisation may subcontract tasks to a third party (whether this third party is an approved maintenance organisation part-145 approved or not). At least the contract should make reference to 145.A.75 or M.A.615, as applicable to the organisation. Additional guidance is provided by the AMC 145.A.75 and AMC M.A. 615 as applicable to the organisation. In addition the operator continuing airworthiness management organisation may require the Part-145 approved maintenance organisation to obtain the operator continuing airworthiness management organisation approval before subcontracting to a third party. Access should be given to the operator continuing airworthiness management organisation to any information (especially the quality monitoring information) about the Part-145 approved maintenance organisation's subcontractors involved in the contract. It should however be noted that under operator continuing airworthiness management organisation responsibility both the operator continuing airworthiness management organisation and its competent authority are entitled to be fully informed about subcontracting, although the competent authority will normally only be concerned with aircraft, engine and APU subcontracting.

2.4. Maintenance programme

(...)

2.5. Quality monitoring

The terms of the contract should include a provision allowing the operator continuing airworthiness management organisation to perform a quality surveillance (including audits) upon the Part-145 approved maintenance organisation. The maintenance contract should specify how the results of the quality surveillance are taken into account by the Part-145 approved maintenance organisation (see also paragraph 2.22. 'Meetings').

2.6. Competent authority involvement

When the ~~operator~~ continuing airworthiness management organisation competent authority and the Part-145 approved maintenance organisation's competent authority is not the same, the ~~operator~~ continuing airworthiness management organisation and the Part-145 approved maintenance organisation have to ensure together with their competent authority that the respective competent authority's responsibilities are properly defined and that, if necessary, delegations have been established.

2.7. Airworthiness data

(...)

2.8. Incoming Conditions

The contract should specify in which condition the ~~operator~~ continuing airworthiness management organisation should send the aircraft to the Part-145 approved maintenance organisation. For checks of significance i.e. 'C' checks and above, it may be beneficial that a work scope planning meeting be organised so that the tasks to be performed may be commonly agreed (see also paragraph 2.23: 'Meetings').

2.9. Airworthiness Directives and Service Bulletin/Modifications

The contract should specify what information the ~~operator~~ continuing airworthiness management organisation is responsible to provide to the Part-145 approved maintenance organisation, such as the due date of the airworthiness directives (ADs), the selected means of compliance, the decision to embody Service Bulletins (SBs) or modification, etc. In addition the type of information the ~~operator~~ continuing airworthiness management organisation will need in return to complete the control of ADs and modification status should be specified.

2.10. Hours & Cycles control

Hours and cycles control is the responsibility of the ~~operator~~ continuing airworthiness management organisation, but there may be cases where the Part-145 approved maintenance organisation should receive the current flight hours and cycles on a regular basis so that it may update the records for its own planning functions (see also paragraph 2.22: 'Exchange of information').

2.11. Service life-limited components

Service life-limited components control is the responsibility of the ~~operator~~ continuing airworthiness management organisation.

The Part-145 approved maintenance organisation will have to provide the ~~operator~~ continuing airworthiness management organisation with all the necessary information about the service life-limited components removal/installation so that the operator may update its records (see also paragraph 2.22 'Exchange of information').

2.12. Supply of parts

The contract should specify whether a particular type of material or component is supplied by the ~~operator~~ continuing airworthiness management

organisation or by the contracted Part-145 approved maintenance organisation, which type of component is pooled, etc. The contract should clearly state that it is the Part-145 approved maintenance organisation competence and responsibility to be in any case satisfied that the component in question meets the approved data/standard and to ensure that the aircraft component is in a satisfactory condition for installation. In other words, there is definitely no way for an Part-145 approved maintenance organisation to accept whatever is supplied by the operator continuing airworthiness management organisation. Additional guidance is provided by 145.A.42 and M.A.501 for acceptance of components.

2.13. Pooled parts at line stations

(...)

2.14. Scheduled maintenance

For planning scheduled maintenance checks, the support documentation to be given to the Part-145 approved maintenance organisation should be specified. This may include, but may not be limited to:

- applicable work package, including job cards;
- scheduled component removal list;
- modifications to be incorporated.

When the Part-145 approved maintenance organisation determines, for any reason, to defer a maintenance task, it has to be formally agreed with the operator. If the deferment goes beyond an approved limit, refer to paragraph 2.17: 'Deviation from the maintenance schedule'. This should be addressed, where applicable, in the maintenance contract.

2.15. Unscheduled maintenance/Defect rectification

The contract should specify to which level the Part-145 approved maintenance organisation may rectify a defect without reference to the operator continuing airworthiness management organisation. As a minimum, the approval and incorporation of major repairs should be addressed. The deferment of any defect rectification should be submitted to the operator continuing airworthiness management organisation and, if applicable, to its competent authority.

2.16. Deferred tasks

(...)

2.17. Deviation from the maintenance schedule

Deviations have to be requested by the operator continuing airworthiness management organisation to its competent authority or granted by the operator continuing airworthiness management organisation in accordance with a procedure acceptable to its competent authority. The contract should specify the support the Part-145 approved maintenance organisation may provide to the operator continuing airworthiness management organisation in order to substantiate the deviation request.

2.18. Test flight

(...)

2.19. Bench Test

(...)

2.20. Release to service documentation

The release to service has to be performed by the ~~Part-145~~ approved ~~MOE-approved~~ **maintenance** organisation in accordance with its ~~MOE-approved~~ procedures. The contract should, however, specify which support forms have to be used (Operator's technical log, ~~Part-145~~ approved **maintenance** organisation's maintenance visit file, etc.) and the documentation the ~~Part-145~~ approved **maintenance** organisation should provide to the operator upon delivery of the aircraft. This may include, but may not be limited to:

- certificate of release to service — mandatory,
- flight test report,
- list of modifications embodied,
- list of repairs,
- list of ADs incorporated,
- maintenance visit report,
- test bench report.

2.21. Maintenance recording

The ~~operator~~ **continuing airworthiness management organisation** may contract the ~~Part-145~~ approved **maintenance** organisation to retain some of the maintenance records required by Part-M Subpart-C. It should be ensured that every requirement of Part-M Subpart-C is fulfilled by either the ~~operator~~ **continuing airworthiness management organisation** or the ~~Part-145~~ approved **maintenance** organisation. In such a case, free and quick access to the above-mentioned records should be given by the ~~Part-145~~ approved **maintenance** organisation to the ~~operator~~ **continuing airworthiness management organisation** and its competent authority (in case of two different competent authorities involved, see paragraph 2.6 'Competent authority involvement').

2.22. Exchange of information

Each time exchange of information between the ~~operator~~ **continuing airworthiness management organisation** and the ~~Part-145~~ approved **maintenance** organisation is necessary, the contract should specify what information should be provided and when (i.e. on what occasion or at what frequency), how, by whom and to whom it has to be transmitted.

2.23. Meetings

For the competent authority to be satisfied that a good communication system exists between the ~~operator~~ **continuing airworthiness management organisation** and the ~~Part-145~~ approved **maintenance** organisation, the terms

of the maintenance contract should include the provision for a certain number of meetings to be held between both parties.

(...)

2.23.5. Reliability meeting

When a reliability programme exists, the contract should specify the ~~operator~~ continuing airworthiness management organisation and Part-145 approved maintenance organisation respective involvement in that programme, including the participation in reliability meetings.

II.B. Guidance Material (GM) for Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended as follows:

55. GM M.A.201 (i) is added as follows:

GM M.A.201 (i) Commercial Operations

Some examples of activities affected by this paragraph could be:

- the transport of passengers or cargo for remuneration or hire by an operator other than a licensed air carrier, such as a balloon operator or a sailplane operator;
- flight training for remuneration or hire;
- the following specialised operations when performed for commercial purposes: helicopter external loads operations, helicopter survey operations, human external cargo operations, parachute operations, agricultural flights, aerial photography operations, aerial mapping operations, glider towing, aerial advertising, calibration flights, oil spill work, stringing power line operations, pollution control activity, survey operations, news media flights, flying displays, aerial entertainment, competition flights, clearing saw operations, animal herding and rescue, maritime funeral operations, veterinary vaccine dropping flights, scientific research flights, avalanche mining operations, construction work flights, television and movie flights.

56. GM M.A.302 (h) is added as follows:

GM M.A.302 (h) Aircraft Maintenance programme

The design of the aircraft maintenance programme has two aspects: first, the definition of actual work tasks and, second, the design and presentation of the programme document itself.

An aircraft maintenance programme design that observes human factors principles should take into account:

- task or job sequences which are likely to reduce the probability or effect of error in its application;
- work packages which suit an operator's specific operation; and
- task or job cards or sheets which meet a standard for good document design, in particular with regard to:
 - o written language, which involves not only vocabulary and grammar, but also the manner in which they are used;
 - o the typography and the layout have a significant impact on the comprehension of the written material;

- o the use of diagrams, charts or tables replacing long descriptive text is advantageous to assist comprehension; and
- o the use of colour in illustrations reduces the discrimination workload and has a motivational effect.

Appendix A – Attachments

 [L390-10-3800 Comments_1050_.pdf](#)
Attachment #1 to comment [#13](#)

 [EASA_NPA2010_10_ATA.pdf](#)
Attachment #2 to comment [#119](#)

 [101206 - letter to EASA on dry lease-in.pdf](#)
Attachment #3 to comment [#60](#)

 [ATA Comments on EASA NPA 2010-10.pdf](#)
Attachment #4 to comment [#120](#)