



TERMS OF REFERENCE

Task Nr: 145.022

Issue: 1

Date: 22 June 2009

Regulatory reference: Decision No. 2003/19/RM¹

Reference documents: None

1. Subject: Control of contracted maintenance personnel.

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

In accordance with 145.A.30 (d), a Part-145 organisation must have a maintenance man-hour plan showing that the organisation "has sufficient staff" to plan, perform, supervise, inspect and quality monitor the organisation in accordance with the Part-145 approval. In addition, the organisation must have a procedure to reassess work intended to be carried out when actual staff availability is less than the planned staffing level for any particular shift or period.

According to AMC 145.A.30(d), "has sufficient staff" means that the organisation employs or contracts such staff of which at least half the staff that perform maintenance in each workshop, hangar or flight line on any shift should be employed to ensure organisational stability. Contracted staff, being part time or full time should be made aware that when working for the organisation they are subjected to compliance with the organisation's procedures specified in the maintenance organisation exposition relevant to their duties. For the purpose of AMC 145.A.30(d), "employed" means the person is directly employed as an individual by the maintenance organisation approved under Part-145 whereas "contracted" means the person works as free-lance or is employed by another organisation and contracted by that organisation to the maintenance organisation approved under Part-145.

Paragraph 145.A.30(e) requires the Part-145 organisation to establish and control the competence of personnel involved in any maintenance, management and/or quality audits. Paragraph 145.A.35 imposes additional requirements in terms of knowledge and competence for certifying staff personnel.

While the rule makes no distinction between employed and contracted personnel in relation to their competence and its assessment, feedback seems to indicate that the common practice in industry is that contracted personnel are not systematically assessed

¹ Decision 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

for their adequate competence. A preliminary Regulatory Impact Assessment on this subject was published for consultation by AGNA and SSCC and provides useful information on the matter. It is attached to this ToR.



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3. Objective:

Amend Decision No. 2003/19/RM in order to address the following issues:

- To further reinforce the idea that the control of competence of personnel is an organisation's responsibility which must be exercised also for contracted personnel.
- To develop acceptable means of compliance containing considerations to be followed when developing an organisation's procedure for the assessment of contracted personnel before maintenance activities are performed.
- To establish guidance material, if necessary, for the competent authorities in order to properly monitor the accomplishment of the above provisions.

4. Specific tasks and interface issues (Deliverables):

The content of the proposed rule change should normally be the development of additional guidance material and acceptable means of compliance in relation with rule paragraphs 145.A.30 and 145.A.35.

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

Group

6. Time scale, milestones: (Unless future Rulemaking programme establishes different target dates).

Start: 2009/Q3

NPA: 2010/Q3

CRD: 2011/Q1

Decision: 2011/Q3