

**Comment Response Document (CRD)  
to Notice of Proposed Amendment (NPA) 01/2006**

**DRAFT OPINION OF THE EUROPEAN AVIATION SAFETY AGENCY,**

**for amending Commission Regulation (EC) No 2042/2003, on the continuing  
airworthiness of aircraft and aeronautical products, parts and appliances, and on the  
approval of organisations and personnel involved in these tasks**

**AND**

**DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE AGENCY**

**amending Decision No 2003/19/RM of the Executive Director of the Agency of 28  
November 2003 on acceptable means of compliance and guidance material to  
Commission Regulation (EC) No 2042/2003**

**Officially Recognised Standard**

## Explanatory Note

### I. General

1. The purpose of the Notice of Proposed Amendment (NPA), dated 12 January 2006 is to envisage amending paragraphs M.A.301(2) and 147.A.105(f) to Commission Regulation (EC) No 2042/2003<sup>1</sup> and Decision 2003/19/RM of the Executive Director of the Agency<sup>2</sup> to develop acceptable means of compliance material (AMC) to paragraphs M.A.402(b), M.A.606(f), M.A.608(b), 145.A.30(f) and 145.A.40(b). The reason for this rulemaking activity is to clarify the meaning of the term “officially recognised standard”.

### II. Consultation

2. The draft Opinion amending Commission Regulation (EC) No 2042/2003 and the draft Executive Director Decision amending Decision N° 2003/19/RM was published on the web site ([www.easa.europa.eu](http://www.easa.europa.eu)) on 12 January 2006.

By the closing date of 12 April 2006, the Agency had received 12 comments from 7 national authorities, professional organisations and private companies.

### III. Publication of the CRD

3. All comments received have been acknowledged and incorporated into a Comment Response Document (CRD). This CRD contains a list of all persons and/or organisations that have provided comments and the answers of the Agency.
4. In responding to comments, a standard terminology has been applied to attest EASA’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 is not shared by the Agency
5. The aforementioned Executive Director Decision 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.
6. Such reactions should be received by EASA not later than Monday 4<sup>th</sup> September 2006 and should be sent by the following link: [CRD@easa.europa.eu](mailto:CRD@easa.europa.eu);

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

<sup>2</sup> Decision No 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 [www.easa.europa.eu/doc/Agency\\_Mesures/Certification\\_Spec/decision\\_ED\\_2003\\_19\\_RM.pdf](http://www.easa.europa.eu/doc/Agency_Mesures/Certification_Spec/decision_ED_2003_19_RM.pdf)

CRD to NPA 01/2006

#	Para	Commentor	Comment/Justification	Response	Resulting text
1.	General comment	MTU Aero Engines GmbH	We support the proposed changes listed in chapter C of the NPA.	<b>Noted</b>	
2.	145.A.30(f)	AEI	<p>(f) The organisation shall ensure that personnel who carry out and/or control a continued airworthiness non-destructive test of aircraft structures and/or components are appropriately qualified for the particular non-destructive test in accordance with the European or equivalent Standard recognised by the Agency. Personnel who carry out any other specialised task shall be appropriately qualified in accordance with <del>officially recognised Standards</del> <u>a standard recognised by the Agency</u>. By derogation to this paragraph those personnel specified in paragraphs (g) and (h)(1) and (h)(2), qualified in Part-66 category B1 may carry out and/or control colour contrast dye penetrant tests.</p> <p><b>Justification:</b> According to Regulation (EC) 1592/2002 the objectives described in Article 2 are to establish and maintain a high <u>uniform</u> level of safety and to ensure a common interpretation and uniform implementation of all provisions and acts issued by the Agency.</p> <p>In our opinion, the proposed NPA 1-2006 will result in national variants on important safety issues.</p> <p>To avoid this and to ensure a <u>common</u> EU-standard and a "level playing field", the Agency must issue and monitor not only the implementing rules but also all relevant guidance material.</p> <p>This position is reflected in our comments on individual paragraphs.</p>	<p><b>Not accepted</b></p> <p>The EASA objective is not to compare standards neither to assess which standard should be preferable to another.</p> <p>The EASA task is not to evaluate the existing recognized international standard used in all sectors of industry.</p> <p>The objective is on the contrary to use proven methods that are known to be safe.</p>	

CRD to NPA 01/2006

#	Para	Commentor	Comment/Justification	Response	Resulting text
3.	145.A.40(b)	AEI	<p>(b) The organisation shall ensure that all tools, equipment and particularly test equipment, as appropriate, are controlled and calibrated according to an <del>officially recognised</del> <u>standard recognised by the Agency</u>, at a frequency to ensure serviceability and accuracy. Records of such calibrations and traceability to the standard used shall be kept by the organisation.</p> <p><b>Justification:</b> According to Regulation (EC) 1592/2002 the objectives described in Article 2 are to establish and maintain a high <u>uniform</u> level of safety and to ensure a common interpretation and uniform implementation of all provisions and acts issued by the Agency.</p> <p>In our opinion, the proposed NPA 1-2006 will result in national variants on important safety issues.</p> <p>To avoid this and to ensure a <u>common</u> EU-standard and a "level playing field", the Agency must issue and monitor not only the implementing rules but also all relevant guidance material.</p> <p>This position is reflected in our comments on individual paragraphs.</p>	<p><b>Not accepted</b></p> <p>The EASA objective is not to compare standards neither to assess which standard should be preferable to another.</p> <p>The EASA task is not to evaluate the existing recognized international standard used in all sectors of industry.</p> <p>The objective is on the contrary to use proven methods that are known to be safe.</p>	

CRD to NPA 01/2006

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4.	147.A.105(f)	AEI	<p>(f) The experience and qualifications of instructors, knowledge examiners and practical assessors shall be established as <del>an officially recognised standard</del> <u>in accordance with criteria published by the Agency, or in accordance with a procedure approved by the Agency.</u></p> <p><b>Justification:</b> According to Regulation (EC) 1592/2002 the objectives described in Article 2 are to establish and maintain a high <u>uniform</u> level of safety and to ensure a common interpretation and uniform implementation of all provisions and acts issued by the Agency.</p> <p>In our opinion, the proposed NPA 1-2006 will result in national variants on important safety issues.</p> <p>To avoid this and to ensure a <u>common</u> EU-standard and a "level playing field", the Agency must issue and monitor not only the implementing rules but also all relevant guidance material.</p> <p>This position is reflected in our comments on individual paragraphs.</p>	<p><b>Not accepted</b></p> <p>The intention of the legislator when adopting Commission Regulation 2042/2003 was that the experience and the qualifications of instructors, knowledge examiners and practical assessors be established by the competent authority.</p> <p>Additionally, the NPA N°06/2005 (decision to be published in the coming weeks) gives some instructions about the records of the experience and qualifications of instructors, knowledge examiners and practical assessors.</p>	
5.	AMC M.A. 301-2	AEI	<p>Delete the addition proposed, concerning officially recognized standard.</p> <p><b>Justification:</b> Since it is proposed to replace "to an officially recognised standard", by "in accordance with data specified in M.A.304 and/or M.A.401", it is not necessary to make the addition proposed in C. Draft Decision a)1.</p>	<p><b>Accepted</b></p> <p>Refer to comment n°10.</p>	Refer to comment n°10.

CRD to NPA 01/2006

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6.	M.A.606(f)	AEI	<p>(f) Personnel who carry out specialised tasks such as welding, non-destructive testing/inspection other than colour contrast shall be qualified in accordance with <del>an officially recognised standard</del> <u>a standard recognised by the Agency.</u></p> <p><b>Justification:</b> According to Regulation (EC) 1592/2002 the objectives described in Article 2 are to establish and maintain a high <u>uniform</u> level of safety and to ensure a common interpretation and uniform implementation of all provisions and acts issued by the Agency.</p> <p>In our opinion, the proposed NPA 1-2006 will result in national variants on important safety issues.</p> <p>To avoid this and to ensure a <u>common</u> EU-standard and a "level playing field", the Agency must issue and monitor not only the implementing rules but also all relevant guidance material.</p> <p>This position is reflected in our comments on individual paragraphs.</p>	<p><b>Not accepted</b></p> <p>The EASA objective is not to compare standards neither to assess which standard should be preferable to another.</p> <p>The EASA task is not to evaluate the existing recognized international standard used in all sectors of industry.</p> <p>The objective is on the contrary to use proven methods that are known to be safe.</p>	

CRD to NPA 01/2006

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7.	M.A.608(b)	AEI	<p>(b) Tools and equipment shall be controlled and calibrated <del>to an officially recognised standard</del> <u>in accordance with a standard recognised by the Agency</u>. Records of such calibrations and the standard used shall be kept by the organisation.</p> <p><b>Justification:</b> According to Regulation (EC) 1592/2002 the objectives described in Article 2 are to establish and maintain a high <u>uniform</u> level of safety and to ensure a common interpretation and uniform implementation of all provisions and acts issued by the Agency.</p> <p>In our opinion, the proposed NPA 1-2006 will result in national variants on important safety issues.</p> <p>To avoid this and to ensure a <u>common</u> EU-standard and a "level playing field", the Agency must issue and monitor not only the implementing rules but also all relevant guidance material.</p> <p>This position is reflected in our comments on individual paragraphs.</p>	<p><b>Not accepted</b></p> <p>The EASA objective is not to compare standards neither to assess which standard should be preferable to another.</p> <p>The EASA task is not to evaluate the existing recognized international standard used in all sectors of industry.</p> <p>The objective is on the contrary to use proven methods that are known to be safe.</p>	
8.	General comment	Austro Control	<p>This NPA is fully supported by Austro Control.</p> <p><b>Justification:</b> N/A</p>	<p><b>Noted</b></p>	

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9.	a) 1	UK CAA	<p>If B Draft Opinion paragraph a) is agreed “officially recognised standard “ is deleted, therefore the AMC M.A.301(2) text would not apply.</p> <p>Should the reference to AMC M.A.301(2) be AMC M.A.402(b), since this is mentioned in Section A, Paragraph 10, but does not seem to be covered in Section C?</p> <p><b>Justification:</b> Clarification.</p>	<p><b>Accepted</b> Refer to comment n°10.</p>	Refer to comment n°10.
10.	AMC M.A.301 - 2-  AMC M.A.402 (b)	CAA Czech Republic	<p>AMC M.A.301 -2- : To delete paragraph that specifies the term “officially recognized standard”.</p> <p>AMC M.A.402 (b): To add paragraph that specifies the term “officially recognized standard”.</p> <p><b>Justification:</b> AMC M.A.301 -2- : In paragraph M.A.301 (2) the term “officially recognized standard” is replaced by “in accordance with data specified in M.A.304 and/or M.A.401”. For this reason it is unnecessary to clarify the expression “officially recognized standard” in the related AMC.</p> <p>AMC M.A.402 (b): In paragraph M.A.402 (b) the term “officially recognized standard” is included but the related AMC is not amended accordingly. We recommend adding the clarification of the term “officially recognized standard” to the AMC M.A.402 (b) to ensure the uniformity with other amended paragraphs.</p>	<p><b>Accepted</b> No need to add a paragraph in AMC M.A.301-2. In compensation, that paragraph has to be added to AMC M.A.402 (b) Additionally, the term “In AMC” is added to section C (b) §2 before 145 A 40 (b).</p>	<p><b><u>C. DRAFT DECISION</u></b> Proposed changes to Decision No 2003/19/RM a) It is proposed to amend Annex I to Decision No 2003/19/RM as follows, 1. In AMC M.A.402 (b) the following paragraph is added after the first paragraph “In this context officially recognised standard means those standards established or published by an official body whether having legal personality or not, which are widely recognised by the air transport sector as constituting good practice”. 2. In AMC M.A.606 (f) the following paragraph 11 is added “In this context officially recognised standard means those standards established or published by an official body whether having legal personality or not, which are widely recognised by the air transport sector as constituting good practice”. 3. In AMC M.A.608 (b) the following paragraph 3 is added “In this context</p>



CRD to NPA 01/2006

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					<p>officially recognised standard means those standards established or published by an official body whether having legal personality or not, which are widely recognised by the air transport sector as constituting good practice”.</p> <p>b) It is proposed to amend Annex II to Decision No 2003/19/RM as follows,</p> <p>1. In AMC 145.A.30 ( f ) the following paragraph 11 is added “In this context officially recognised standard means those standards established or published by an official body whether having legal personality or not, which are widely recognised by the air transport sector as constituting good practice”.</p> <p>2. In AMC 145.A.40 (b) the following paragraph 3 is added “In this context officially recognised standard means those standards established or published by an official body whether having legal personality or not, which are widely recognised by the air transport sector as constituting good practice”.</p>
11.	General comment	FAA	The FAA has reviewed the subject NPA and has no comments.	<b>Noted</b>	
12.	General comment	DGAC France	This is to inform you that we have no comment on the subject NPA.	<b>Noted</b>	