COMMENT RESPONSE DOCUMENT (CRD)-2 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,

draft Commission Regulation (EU) No …/2012 laying down technical requirements and administrative procedures related to Air Operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council,

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

'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:

   - 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.

   - 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.

   - 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.

2. The CRD-1 to NPA 2010-10 dealing with issues 1, 2 and 4 was issued on 15 December 2011.

This CRD-2 to NPA 2010-10 is issued to address issue 3.

3. Based on the stakeholders' comments received on issue 3, the text proposed in the NPA 2010-10 has been significantly amended; the main changes introduced with this CRD-2 are:

   a. Third-country registered aircraft operated by EU operators or by persons established or residing in the EU are required to have a type certificate issued or accepted by EASA.

   b. The provisions for wet lease-in and code-share of third-country registered aircraft have been removed from Part-T.

   c. Dry lease-in of third-country registered aircraft:

      i. provisions have been included in Part-T,

      ii. amendment to some provisions of Part-ORO are included to ensure consistency.

   d. Restructuring and simplification of the remaining provisions of Part-T.

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 2042/2003[1] (hereafter referred to as 'Regulation (EC) No 2042/2003') and to Decision 2003/19/RM[2] of the Executive Director of the European Aviation Safety Agency.

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 EASA website[3] 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. The 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 216/2008[4] (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.
   - 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.

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[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] http://easa.europa.eu/home.php

[4] 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).

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

   CRD-1 was published on 15 December 2011 and was subject to reactions until 15 February 2012. CRD-1 addressed issues 1, 2 and 4 whereas CRD-2 is addressing issue 3.

   The objective of this separation is to enhance the understanding of the changes and the affected requirements. CRD-1 affected mostly aircraft registered in the EU, whereas CRD-2 will affect mainly third-country registered aircraft operated by operators having their principal place of business in the EU or operated within or out of the EU by an operator established or residing in the EU.

5. All the comments received have been acknowledged and responded to; comments affecting issues 1, 2 and 4 were incorporated into CRD-1 with the responses of the Agency which was published on 15 December 2011. The comments affecting issue 3 have been incorporated into this 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 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 — The comment is either only agreed in part by the Agency or it 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 **4 June 2012** and should be submitted using the Comment Response Tool at http://hub.easa.europa.eu/crt.

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

9. This CRD-2 has been prepared taking into account the Opinion 04/2011[5] in order to ensure consistency between the continuing airworthiness requirements and operational requirements for third-country registered aircraft.

10. Consequently, within this CRD-2 references are made to the provisions of the draft Commission Regulation (EU) No …/2012 laying down technical requirements and administrative procedures related to Air Operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (hereafter referred to as the 'air operations Regulation'), and in particular to its Annex III: Organisation Requirements for Air Operations 'Part-ORO'.

11. The Agency acknowledges that such Regulation has not been adopted yet, and therefore it might still be subject to change. Should this happen, the proposed text included in this CRD-2 may need to be amended.

12. The major concerns identified from the comments received on issue 3 can be grouped and summarised as follows:

Scope of the task

13. Several commentators have expressed that Article 4(1)(c) should not be understood as giving the mandate to impose continuing airworthiness requirements on any third-country registered aircraft of a non-EU operator wet leasing-in or code sharing with an EU operator. Another commentator claimed that the measures proposed will not be effective and will not produce the expected results and suggested amending the Basic Regulation to clarify which types of aircraft could be regulated under the umbrella of EU legislation, taking into account the rights and obligations established in the Chicago Convention and other legal solutions, such as Article 83bis of the Convention.

14. To this it can be objected that the Commission in its proposal[6] for a Regulation amending Regulation (EC) No 1592/2003 of 15 July 2002 expressed the need to effectively ensure the safety of third-country aircraft operating in the EU, and to that end the proposed Regulation would impose common rules on third-country aircraft operating in the EU within the limits imposed by the Chicago Convention.

15. This need was later reflected in recital (2) of the Basic Regulation where it states that 'third-country aircraft operated into, within or out of the territory where the Treaty applies should be subject to appropriate oversight at Community level within the limits set by the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 (the Chicago Convention), to which all Member States are parties', which clearly indicates the intention of the regulator to establish measures to exercise such oversight.

16. Moreover, Article 83bis of the Chicago Convention is a discretionary and flexible instrument available in the Convention, which does not entail the automatic transfer of functions and duties from the State of Registry to the State of the Operator; it requires that such a transfer be expressly arranged through an agreement between the States Concerned. The EU regulator cannot impose the transfer of responsibilities in accordance with Article 83bis to the foreign State of Registry.

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[5] Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for Air Operations (http://easa.europa.eu/agency-measures/opinions.php).

[6] COM(2005)579, Brussels 15.11.2005.

Wet lease-in, code-share of third-country registered aircraft with third-country operators

17. The comments raised on NPA 2010-10 with regard to wet lease-in and code-share of third-country registered aircraft clearly indicated that the proposal was not providing enough flexibility to EU operators and it would represent substantial extra administrative burden hindering the competitiveness in global marketplace and with no safety benefit. It has to be noted that in parallel to the consultation of NPA 2010-10 and the comment review period, Part-ORO (which includes requirements for wet lease-in and code-share of third-country registered aircraft from third-country operators) was being finalised.

18. The Agency considered that wet lease-in and code-share could be effectively regulated by the provisions included in Part-ORO, which satisfy the objectives set by Part-T while providing adequate flexibility. The provisions of ORO.AOC.110 (c) for wet lease-in of aircraft from a third-country operator create the possibility to apply standards equivalent to EU safety requirements for continuing airworthiness, air operations and organisations. Consequently, the provisions for wet lease-in of third-country registered aircraft from a third-country operator included in Part-T have been removed. This means that the third-country operator can show compliance with the applicable requirements of Regulation (EC) No 2042/2003 by using equivalent safety standards.

19. As for code-share, ORO.AOC.115 imposes on the EU operator the need to verify and regularly assess that the third-country operator complies with the applicable ICAO standards. The objectives of the provisions included in Part-T for code-share of third-country registered aircraft are deemed to be satisfied by the requirements of ORO.AOC.115. Therefore, the proposal of NPA 2010-10 has been significantly amended and the provisions for code-share of third-country registered aircraft have been removed.

20. Some commentators argued that there is a disconnect between the proposal on NPA 2010-10 on maintenance aspects of code-sharing and NPA 2008-22 on operational aspects of code-sharing. This comment is not accepted; in fact, the requirements for code-share in NPA 2010-10 and in NPA 2009-02c 'Implementing Rules for Air Operations of EU Operators' were drafted following the same general principles:

    - reliance to the utmost possible on the ICAO Annex 6 requirements to show compliance with the essential requirements of the Basic Regulation;
    - imposing to the EU operator the need to assess regularly the compliance of its code-share partner with the requirements.

21. Several commentators expressed the need to recognise the IATA IOSA system for code-share auditing. The Agency acknowledges the importance of the IOSA programme. The operator needs to assess regularly the compliance of its code-share partner with the applicable ICAO requirements; for such a process the operator may rely on other party assessment programmes or certification schemes such as IOSA.

22. Some commentators claimed that the prior approval of the wet lease-in and code-share agreements by a local National Aviation Authority is an administrative burden with no added benefit. The need for prior approval before wet leasing-in aircraft registered in a third country is also imposed by Article 13 of Regulation (EC) No 1008/2008. For code-share agreements involving a third-country operator, the competent authority needs to be satisfied that the EU operator has verified that the third-country operator complies with the applicable ICAO Standards.

23. Some commentators argued that the Agency-imposed requirements could be incompatible with the requirements of the third-country regulator, or if not incompatible would impose significant additional burden. The requirements proposed in NPA 2010-10 for wet lease-in of aircraft from third-country operators and code-share of aircraft

registered in a third country have been deleted. The Agency considers that wet lease-in and code-share could be effectively regulated by the provisions included in the Regulation for organisation requirements for air operators that satisfies the objectives set by NPA 2010-10 while providing adequate flexibility. The EU operator has now been given the possibility to demonstrate to the competent authority that wet lease-in aircraft is subject to standards equivalent to the EU continuing airworthiness rules. As for code-share, the EU operator shall verify and regularly assess that the third-country operator complies with the applicable ICAO Standards.

Dry lease-in of third-country registered aircraft

24. Many comments claimed that Part-T did not permit dry lease-in of third-country registered aircraft, which would not be in line with the current interpretation of certain National Aviation Authorities that allow dry lease-in under certain conditions. The commentators demanded the inclusion of provisions to allow dry lease-in of third-country aircraft.

25. First of all, it has to be clarified that Part-T did not include any amendment to the requirements for dry lease-in of third-country registered aircraft. The Explanatory Note of NPA 2010-10 elaborated on how third-country registered aircraft could be used by an EU operator. As for dry lease-in of a third-country registered aircraft, meaning that the aircraft is operated under the Air Operator Certificate of the EU operator, the NPA 2010-10 explained that the proposal for regulation of organisation requirements for air operations included in NPA 2009-02c required that all aircraft operated by EU operators have a certificate of airworthiness issued in accordance with Part 21. In the light of this, NPA 2010-10 explained that it could be inferred that the dry lease-in of third-country registered aircraft was not compatible with such proposed requirement in the NPA 2009-02c.

26. Following the comments received on NPA 2010-10, Part-ORO was amended to include provisions for the approval of dry lease-in of third-country registered aircraft (ORO.AOC.110 (d)), and consequently Part-T has also been modified to include the continuing airworthiness requirements that will have to be complied with by these aircraft.

27. Furthermore, this CRD-2 includes amendment to ORO.AOC.100 (c) to ensure consistency with the provisions of dry lease-in of third-country aircraft and to ORO.AOC.110 (b) to exclude the lease-in of aircraft registered in a State or from an operator subject to an operating ban pursuant to Regulation (EC) No 2111/2005[7].

28. These requirements are aimed at ensuring that third-country registered aircraft comply with the essential requirements of the Basic Regulation, in particular Article 5(1) and Annex IV Section 6 and Section 8 (g), and that they have been drafted taking into account the proposals made by the commentators.

Private aircraft

29. Several comments criticised the fact that the proposal imposes requirements upon operators of third-country registered aircraft which are also required to comply with the State of Registry requirements. The commentators argued that this could create a

7 Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (OJ L 344, 27.12.2005, p. 15).

potential conflict in safety requirements and/or administrative processes and potentially significant economic and administrative burden.

30. The Chicago Convention places certain responsibilities on the State of Registry of an aircraft which it can fulfil when the aircraft is operated by an operator of that State, as is normally the case, but it may be unable to fulfil adequately in instances where the aircraft is operated by an operator of another State, as in the case of a non-EU registered aircraft used by EU operator in the EU. As it is explained at the beginning of this Explanatory Note, the legislator has given to the Commission the mandate to establish specific and proportionate rules for the operation and airworthiness of these aircraft.

31. The intention of the regulator when extending the scope of the Regulation to aircraft referred to in Article 4(1)(c) was to ensure effective protection of public safety, on the ground and on board these aircraft, by imposing common rules on third-country aircraft operating in the EU. The requirements included in Part-T for third-country registered aircraft are intended to ensure compliance with Article 5(1) and Article 8(1) of the Basic Regulation.

32. One commentator claims that the requirements for third-country registered aircraft engaged in non-commercial operations will be difficult to verify by the competent authorities, and it will be difficult to have legal possibilities to impose sanctions when the requirements are not met.

33. Article 8(3) of the Basic Regulation requires operators engaged in non-commercial operation of complex motor-powered aircraft to declare their capability and means of discharging the responsibilities associated with the operation of that aircraft. This requirement has been transposed to T.A.205 (2) and will enable the competent authority to be informed of the operation of these aircraft in its territory. For other than complex motor-powered aircraft not engaged in commercial operation the competent authority will need to conduct inspections in order to verify that the requirements of Part-T are complied with. In addition, T.B.202 enables the competent authority to take action if non-compliance with the requirements is detected.

34. Furthermore, Article 68 of the Basic Regulation empowers Member States to impose penalties for infringement of the Basic Regulation and its Implementing Rules.

V. Summary of the main changes introduced to Regulation (EC) No 2042/2003 after the NPA

35. The proposal for regulating continuing airworthiness of third-country registered aircraft used by EU operators has been amended and simplified. The most significant changes to Part-T stem from:

a. the withdrawal of the requirements for wet lease-in and code-share of third-country registered aircraft.

b. the need to ensure that third-country registered aircraft comply with the essential requirements for airworthiness laid down in Annex I to the Basic Regulation, as required by Article 5(1). To this end, third-country registered aircraft operated by EU operators are required to:

- have a type certificate issued or accepted by the Agency,
- comply with any relevant mandatory safety information issued by the Agency, including airworthiness directives.

c. the demands to include provisions for dry lease-in of third-country registered aircraft. This has resulted in an amendment to ORO.AOC.100 and to ORO.AOC.110.

36. Article 1(2) of Regulation (EC) No 2042/2003 has been slightly reworded: the term 'used' is replaced by 'operated'.

37. Article 3(5) of Regulation (EC) No 2042/2003 remains unchanged; Article 3(6) is deleted.

38. T.1 Competent Authority. The paragraph has been reworded but the principle for the designation of competent authority remains unchanged.

39. T.A.101 Scope. This paragraph is changed since the provisions for wet lease-in and code-share of third-country registered aircraft have been deleted from Part-T. Hence, Part-T will be applicable to third-country registered aircraft:

    - operated by an operator having its principal place of business in a Member State (which includes third-country registered aircraft operated by EU commercial operators, third-country registered aircraft operated by approved training organisations with principal place of business in a Member State);
    - operated into, within or out of the EU by an operator established or residing in the EU (which includes non-commercial operations).

40. Paragraph 'T.A.102 Definitions' has been deleted.

41. T.A.201 Common requirements. This paragraph has been amended to:

    - include a requirement that the aircraft shall not be operated unless it has a type certificate issued or accepted by the Agency; and
    - comply with any applicable airworthiness directive issued by the State of Registry and any relevant mandatory safety information issued by the Agency, including airworthiness directives.

42. T.A.210, T.A.220 and T.A.230 have been deleted and replaced by T.A.205. This paragraph is added to include the additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft.

    - T.A.205 (1) applies to both complex motor-powered aircraft and aircraft operated for commercial purposes and establishes that the tasks specified in T.A.201 shall be managed by a CAMO-T and that such CAMO-T shall contract a qualified maintenance organisation for the maintenance and release of the aircraft;
    - T.A.205 (2) applies to complex motor-powered aircraft not operated for commercial purposes and requires the operator to declare to the competent authority its capability and means to comply with the Regulation.

43. T.A.301 and T.A.302 have been merged and simplified.

44. T.A.501 has been simplified and T.A.502 has been deleted.

45. T.A.601 has been deleted.

46. T.A.701 has been simplified.

47. T.A.706 has been added requiring the CAMO-T personnel to have adequate knowledge of applicable foreign regulations, as proposed by one commentator.

48. T.A.708 has been amended to include a requirement that the CAMO-T shall ensure that modifications and repairs are approved in accordance with the requirements of the State of Registry.

49. Point 3 has been added to T.A.716 to require the CAMO to take action after receipt of findings from the competent authority.

50. T.B.903 has been deleted and its provisions have been included in a new paragraph T.B.202.

51. T.B.103 has been deleted.

52. T.B.202 has been added requiring competent authorities to take action whenever no compliances with Part-T are detected, including notification to the State of Registry.

53. T.B.704 is reworded.

54. In Appendix II to Part-T: paragraph 5(4) is deleted.

VI. Changes introduced to the draft air operations Regulation after the NPA

55. ORO.AOC.100 (c) is amended to include the operation of third-country registered aircraft dry leased-in by EU operators.

56. ORO.AOC.110 (b) is amended to preclude the dry lease-in of aircraft registered in a State or from an operator subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

57. ORO.AOC.110 (d) is amended to require third-country registered aircraft to be equipped in accordance with the applicable EU regulations for Air Operations and Regulation (EU) No 1332/2011.

VII. CRD table of comments and responses

(General Comments)	-

comment *12* comment by: *AEA*

The AEA has identified major concerns with EASA NPA 2010-10 in relation to code share and leasing requirements. We urge EASA to withdraw this flawed proposal which has no safety justification and which will make code-sharing between EU airlines and non-EU airlines de-facto impossible.

EASA claims that article 4 1 c) of the EASA Basic Regulation 216/2008, (which states that '*aircraft, including any installed product, part and appliance, which are registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community shall comply with this regulation*') gives EASA the legal mandate to impose all EASA continuing airworthiness requirements on any aircraft of non-EU airlines code-sharing with an EU airline. The AEA strongly disagrees with the subjective EASA maximalist legal interpretation of the EASA basic regulation which is against the intentions of the EU legislator.

In practice, those very cumbersome EASA proposals will make code sharing between EU airlines and non-EU airline de-facto impossible. This will significantly impact the competiveness of the EU airline industry in the global

marketplace for no obvious safety benefits. In general , if this proposed amendment would become rule, we expect a substantial increase in workload in the preparation- and institutionalization of procedures (and formal updating of company manuals) under airline Part M subpart G approval to cover the oversight of the continued airworthiness of third country aircraft in the case of wet-lease-in or codeshare activities, with no obvious safety benefits.

More in detail, please find below the issues we would like to raise:

1) Dry lease-in: EASA does not allow a temporary dry-lease-in agreement between a community operator and a third country operator (TCO) unless the subject third country aircraft is/will be EU registered. This will significantly impact charter airlines (that need to dry lease in / out aircraft for short periods between seasons and different areas of the world – due to the short duration changing the registration of the aircraft would therefore not be practical) Dry lease-in is no further the subject of this NPA. This EASA interpretation, which has no safety justification, is not in-line with the current interpretation of European CAAs which allows dry lease-in under certain conditions (equivalent level of safety) that are quite similar to the requirements relevant to wet lease-in constructions. We would like to urge EASA to respect and accept this member state procedures which are in line with the existing third package legislation as adopted by the EU legislator (Regulation 1008/2008).

2) Codeshare and wet lease-in: EASA proposes that when a community operator wishes to codeshare with a TCO or when a community operator wishes to wet lease-in aircraft of a TCO that :

- the TCO aircraft has to comply with "ICAO equivalent requirements" to Part M
- the TCO holds an AOC in accordance with ICAO Annex 6
- the TCO has maintenance performed by a qualified maintenance organisation meeting the requirements of Annex 6
- continued airworthiness of these third country aircraft is ensured by oversight of the Community operator Part M Subpart G CAMO on the basis of the newly to be installed Part T , the requirements of which are applicable for TCO aircraft over and above State of Registry requirements.
- the Community operator enters into an formal agreement with the TCO adressing all the above requirements
- the Community operator must obtain approval from local NAA and submit all documents necessary before start of operations.

Codeshare activities are based on commercial agreements between two air carriers and currently do not need local CAA approval before commencement . The process for codeshare resorts under the airline's approved Safety Management System.

Moreover, we believe there is a clear disconnect between this EASA NPA 2010-10 on maintenance aspects of code-sharing and the EASA proposals (NPA 2008-22) made for operational aspects of code-sharing under its Authority Requirements (AR) / Organization Requirements (OR). The AEA would like to remind EASA that it has also identified major concerns on NPA 2008-22, which also seem to be based on subjective interpretations of the EASA basic regulation (in particular in relation to EASA proposals to require code-share

	partners of EU airlines to comply with Annex IV of the EASA basic regulation – this will once again make code-sharing between EU airlines and non-EU airlines impossible (i.a.US airlines) due to different regulatory environments - and the need for EASA to recognize the IATA IOSA system for code-share auditing (to prevent an inflation in audits)). We believe that the oversight by the community operator of the TCO (for a large part covering the requirements listed in the NPA) and which is performed by means of auditing (IOSA) represents an equivalent level of safety as compared to the rigid administrative burden as proposed in this EASA NPA. Moreover the requested approval by the local NAA before commencement of activities on codeshare or wet lease-in is an administrative burden with no added benefits and is currently no requirement in EU OPS. To require this upfront approval would be a violation of the EASA Management Board Decision of September 2009 for EASA to build its rules on the existing safety rules unless modifications are justified on safety grounds. 3) Unwanted side effects of this proposed rulemaking • TCO might not be able to strictly meet the requested requirements (while there is an equivalent level of safety), resulting in possible break-up of current codeshare /wet lease agreements • TCO's which are now confronted with more rigid requirements for continued airworthiness of their aircraft might have their State of Registry start retaliations towards EU territory and this might block impending bilateral agreements. • There will definitely be a non level playing field between codeshare/wetlease operations under European operators versus such operations under non-European operators. These non-European operators do not have the administrative requirements (such as proposed in this NPA) imposed by their authorities. We firmly believe that the proposed rules will result in a substantial extra administrative burden (and non-level playing field) with concurrent adverse commercial implications while safety of operations is not demonstrably enhanced as compared to the current working procedures which are agreed by European CAAs. We urge EASA to withdraw this flawed proposal.
response	*Partially accepted.* 1) DRY LEASE-IN: Following the comments received on both NPA 2009-02c and NPA 2010-10, Part-T has been modified to include requirements for dry lease-in of third-country registered aircraft. 2) and 3) WET LEASE, CODE-SHARE: The requirements proposed in NPA 2010-10 for wet lease-in of aircraft from third-country operators and code-share of aircraft registered in a third country have been deleted. The Agency considers that wet lease-in and code-share could be effectively regulated by the provisions included in the Regulation for organisation requirements for air operators that satisfy the objectives intended by NPA 2010-10 while providing adequate flexibility. The EU operator is given the possibility to demonstrate to the competent authority that wet lease-in aircraft is subject to standards equivalent to the EU continuing airworthiness rules. As for code-share, the EU operator shall verify and regularly assess that the third-country operator

complies with the applicable ICAO Standards.

The Agency acknowledges the importance of the IOSA programme. The operator needs to assess regularly the compliance of its code-share partner with the applicable ICAO requirements; for such process the operator may rely on other party assessment programmes or certification schemes, such as IOSA.

The need for prior approval before wet leasing-in aircraft registered in a third country is also imposed by Article 13 of Regulation (EC) No 1008/2008. For code-share agreements involving a third-country operator the competent authority needs to be satisfied that the EU operator has verified that the third-country operator complies with the applicable ICAO Standards.

comment *41* comment by: *Swiss International Airlines / Bruno Pfister*

SWISS Continuing Airworthiness Management agrees 100% with the AEA Position Paper on this NPA and strongly requests EASA to reconsider this NPA. The requirements stipulated will strain our organization with unnecessary administrative burden.

Furthermore, with the IATA Operations Safety Audit (IOSA) requirements being in place all over the world and becoming the standard to apply, airlines already ensure a safe operation with IOSA approved wet-lease and code share partners. The well established IOSA Audit process makes very much sense and prevents an "audit flood".

General comment CAM SWR to EASA:
From the SWISS' Continuing Airworthiness Management point of view, the well established Part-M should remain without major structural changes for some time – so that people being trained to perform the implemented tasks and procedures have a chance to become familiar with them. If EASA intends to change again the basics which were implemented over the last 5 years, safety might be negatively affected in the end!

response *Noted*

See answer to comment #12.

comment *42* comment by: *Swiss International Airlines / Bruno Pfister*

SWISS Intl Air Lines fully supports the AEA Position Paper which follwos below:

NPA 2010-10 AEA General Comments

The AEA has identified major concerns with EASA NPA 2010-10 in relation to code share and leasing requirements. We urge EASA to withdraw this flawed proposal which has no safety justification and which will make code-sharing between EU airlines and non-EU airlines de-facto impossible.

EASA claims that article 4 1 c) of the EASA Basic Regulation 216/2008, (which states that '*aircraft, including any installed product, part and appliance, which are registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community shall comply with this regulation*') gives EASA the legal mandate to impose all EASA continuing airworthiness requirements on any aircraft of non-EU airlines code-sharing with an EU airline. The AEA strongly disagrees with the subjective EASA maximalist legal interpretation of the EASA basic regulation which is against the intentions of the EU legislator.

In practice, those very cumbersome EASA proposals will make code sharing between EU airlines and non-EU airline de-facto impossible. This will significantly impact the competiveness of the EU airline industry in the global marketplace for no obvious safety benefits. In general , if this proposed amendment would become rule, we expect a substantial increase in workload in the preparation- and institutionalization of procedures (and formal updating of company manuals) under airline Part M subpart G approval to cover the oversight of the continued airworthiness of third country aircraft in the case of wet-lease-in or codeshare activities, with no obvious safety benefits.

More in detail, please find below the issues we would like to raise:

1) Dry lease-in: EASA does not allow a temporary dry-lease-in agreement between a community operator and a third country operator (TCO) unless the subject third country aircraft is/will be EU registered. This will significantly impact charter airlines (that need to dry lease in / out aircraft for short periods between seasons and different areas of the world – due to the short duration changing the registration of the aircraft would therefore not be practical) Dry lease-in is no further the subject of this NPA. This EASA interpretation, which has no safety justification, is not in-line with the current interpretation of European CAAs which allows dry lease-in under certain conditions (equivalent level of safety) that are quite similar to the requirements relevant to wet lease-in constructions. We would like to urge EASA to respect and accept this member state procedures which are in line with the existing third package legislation as adopted by the EU legislator (Regulation 1008/2008).

2) Codeshare and wet lease-in: EASA proposes that when a community operator wishes to codeshare with a TCO or when a community operator wishes to wet lease-in aircraft of a TCO that :

- the TCO aircraft has to comply with "ICAO equivalent requirements" to Part M
- the TCO holds an AOC in accordance with ICAO Annex 6
- the TCO has maintenance performed by a qualified maintenance organisation meeting the requirements of Annex 6
- continued airworthiness of these third country aircraft is ensured by oversight of the Community operator Part M Subpart G CAMO on the basis of the newly to be installed Part T , the requirements of which are

applicable for TCO aircraft over and above State of Registry requirements.
- the Community operator enters into an formal agreement with the TCO adressing all the above requirements
- the Community operator must obtain approval from local NAA and submit all documents necessary before start of operations.

Codeshare activities are based on commercial agreements between two air carriers and currently do not need local CAA approval before commencement . The process for codeshare resorts under the airline's approved Safety Management System.

Moreover, we believe there is a clear disconnect between this EASA NPA 2010-10 on maintenance aspects of code-sharing and the EASA proposals (NPA 2008-22) made for operational aspects of code-sharing under its Authority Requirements (AR) / Organization Requirements (OR). The AEA would like to remind EASA that it has also identified major concerns on NPA 2008-22, which also seem to be based on subjective interpretations of the EASA basic regulation (in particular in relation to EASA proposals to require code-share partners of EU airlines to comply with Annex IV of the EASA basic regulation – this will once again make code-sharing between EU airlines and non-EU airlines impossible (i.a.US airlines) due to different regulatory environments - and the need for EASA to recognize the IATA IOSA system for code-share auditing (to prevent an inflation in audits)).

We believe that the oversight by the community operator of the TCO (for a large part covering the requirements listed in the NPA) and which is performed by means of auditing (IOSA) represents an equivalent level of safety as compared to the rigid administrative burden as proposed in this EASA NPA. Moreover the requested approval by the local NAA before commencement of activities on codeshare or wet lease-in is an administrative burden with no added benefits and is currently no requirement in EU OPS. To require this upfront approval would be a violation of the EASA Management Board Decision of September 2009 for EASA to build its rules on the existing safety rules unless modifications are justified on safety grounds.

3) Unwanted side effects of this proposed rulemaking

- TCO might not be able to strictly meet the requested requirements (while there is an equivalent level of safety), resulting in possible break-up of current codeshare /wet lease agreements
- TCO's which are now confronted with more rigid requirements for continued airworthiness of their aircraft might have their State of Registry start retaliations towards EU territory and this might block impending bilateral agreements.
- There will definitely be a non level playing field between codeshare/wetlease operations under European operators versus such operations under non-European operators. These non-European operators do not have the administrative requirements (such as proposed in this NPA) imposed by their authorities.

We firmly believe that the proposed rules will result in a substantial extra administrative burden (and non-level playing field) with concurrent adverse commercial implications while safety of operations is not demonstrably enhanced as compared to the current working procedures which are agreed by European CAAs.
We urge EASA to withdraw this flawed proposal.

response *Noted*

See answer to comment #12.

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, andwhere 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 contractsbetween the operator and an approved maintenance organisation pursuant toM.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 Geßky
9.12.2010

response

Partially accepted

Comment 1: Accepted. Article 1 has been 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 has been 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 third-country aircraft. Third-country aircraft are dealt with in Part-T which is presented in CRD-2.

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

Comment 7: Item 118
Article 83bis is a discretionary and flexible instrument available in the Chicago Convention, which does not entail the automatic transfer of functions and duties from the State of Registry to the State of the Operator; it requires that such a transfer be expressly arranged through an agreement between the States Concerned.
Article 1(1) of the proposed Regulation **excludes** aircraft registered in a Member State, including any component installation thereon, whose regulatory safety oversight has been transferred to a third country and they are not used by a EU operator.
Article 1(2) refers to foreign registered aircraft used by EU operators or operators established or residing in the EU.
The proposal of Annex V affects aircraft for which the responsibility for the oversight of the continuing airworthiness has not been transferred from the foreign State to Registry to the EU State of Operator.
If for an Article 1(2) aircraft a Member State enters on an Article 83bis agreement with the foreign State of Registry to transfer to the MS the regulatory safety oversight with regard to continuing airworthiness then the aircraft should be considered as an Article 1(1) aircraft.

Word 'ESSENTIAL' deleted.

Comment 7, T.1 Competent Authority. Paragraph amended, although not as proposed by the commentator.

Comment 8
T.A.201 1/f: Not accepted. Upon receipt of mandatory continuing airworthiness information from the State of Design, the State of Registry should adopt the mandatory information directly or assess the information received and take appropriate action.

T.A.201 4: Not accepted. Foreign registered aircraft are not affected by the ARC interval.

T.A.201 4.c: Not accepted. Upon receipt of mandatory continuing airworthiness information from the State of Design, the State of Registry should adopt the mandatory information directly or assess the information received and take appropriate action.

Comment 9: T.A.210 (8) Requirements for wet lease-in and code-share have been deleted.

Comment 10: T.A.301: Not accepted. The maintenance programme should be monitored in accordance with the conditions defined by the State of Registry.

Comment 11: AMC T.A.501 (c) has been added.

Comment 12: AMC T.A.502 has been deleted.

Comment 12: Subpart G. Not accepted. Part-T has been developed to contain the requirements applicable to third-country aircraft.

Comment 13. Section B. Noted. The commentator does not propose any change.

Comment 14. Accepted. T.B.701 deleted.

Comment 15: Accepted. Type certificate holder added.

comment *84* comment by: *Association of Asia Pacific Airlines*

AAPA welcomes the opportunity to comment on NPA 2010-10 which focuses aircraft maintenance aspects of dry and wet leasing aircraft and the code-sharing agreed by air carriers.

AAPA would urge that this NPA either be withdrawn as it is not supported by any safety justification or at a minimum undergo major rewrite and a further request for consultation from stakeholders.

Without a doubt AAPA has major concerns with NPA 2010-10 since it will introduce unjustified constrainst on EU and non EU air carriers in the areas of wet leasing and codesharing which has been performed effectively and safely in the current regulatory environment.

EASA claims that article 4 1 c) of the EASA Basic Regulation 216/2008, (which states that '*aircraft, including any installed product, part and appliance, which are registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community shall comply with this regulation*') gives EASA the legal mandate to impose all EASA continuing airworthiness requirements on any aircraft of non-EU airlines code-sharing with an EU airline. The AAPA strongly disagrees with the subjective legal interpretation of the EASA basic regulation which we consider is against against the intentions of the EU legislator.
Issues that AAPA would like to raise include:
1. Dry Lease: Recognising EASA does not permit dry lease in agreements between an EU carrier and a Third Country Operator (TCO) unless the aircraft under dry lease is registered within the EU. However, as is well known seasonal fluctuations of operations may require short term leased aircraft available only from TCOs or Leasing organisation outside of the EU. Changing the registration of a short term leased aircraft is an unnecessary and costly administrative requirement offerring limited if fact no safety benefit. Furthermore this proposal is contrary to accepted practice and interpretation by the National Authorities within the EU which allow dry lease operations under certain conditions, ensuring equivalent level of safety. We would urge

EASA to accept the EU NAA approach which is already inline with the existing third package legislation as adopted by the EU legislator in Regulation 1008/2008.

2. Codeshare and wet lease-in: EASA proposes that when a community operator wishes to codeshare with a TCO or when a community operator wishes to wet lease-in aircraft of a TCO that :

- the TCO aircraft has to comply with "ICAO equivalent requirements" to Part M
- the TCO holds an AOC in accordance with ICAO Annex 6
- the TCO has maintenance performed by a qualified maintenance organisation meeting the requirements of Annex 6
- continued airworthiness of these third country aircraft is ensured by oversight of the Community operator Part M Subpart G CAMO on the basis of the newly to be installed Part T , the requirements of which are applicable for TCO aircraft over and above State of Registry requirements.
- the Community operator enters into an formal agreement with the TCO adressing all the above requirements
- the Community operator must obtain approval from local NAA and submit all documents necessary before start of operations.

AAPA would like to strongly emphasise codeshare activities are based on purely commercial agreements between two air carriers and currently do not requirelocal CAA approval before commencement . The process for codeshare resides under the airline's approved Safety Management System.

Moreover, we believe there is a clear disconnect between this EASA NPA 2010-10 on maintenance aspects of code-sharing and the EASA proposals (NPA 2008-22) made for operational aspects of code-sharing under its Authority Requirements (AR) / Organization Requirements (OR). The AAPA would like to remind EASA that industry stakeholders have already identified major concerns on NPA 2008-22, which also seem to be based on subjective interpretations of the EASA basic regulation, in particular in relation to EASA proposals to require code-share partners of EU airlines to comply with Annex IV of the EASA basic regulation. This will once again make code-sharing between EU airlines and non-EU airlines impossible due to different regulatory environments and the need for EASA to formally recognize the IATA IOSA system for code-share auditing.

We believe that the oversight of air carriers performing code-share operations is the responsibility of the carriers involved and is performed as part of their SMS program by means of auditing or by equivalent means such as IOSA ,thereby ensuring an equivalent level of safety. This approach would cover the requirements listed in the NPA and remove the unnecessary rigid administartive burden proposed by the EASA NPA.

Moreover, the requested approval by a local NAA before commencement of activities on codeshare or wet lease-in is an administrative burden with no added benefits and there is currently no requirement in EU OPS. To require this upfront approval we understand would be a violation of the EASA Management Board Decision of September 2009 for EASA to build its rules on the existing safety rules unless modifications are justified on safety grounds.

AAPA firmly believes that the proposed rules will result in an unnecessary substantial extra administrative burden with concurrent adverse commercial

implications while the safety of operations has not been demonstrably enhanced as compared to the current working procedures which are agreed by European CAAs.
We urge EASA to withdraw this proposal.

response *Noted*

See answer to comment #12.

comment *97* comment by: *IATA*

IATA appreciates the opportunity to review NPA 2010-10 and offers the following comments on the proposed regulation for consideration.

1. IATA, on behalf of its member airlines is concerned that an unintended consequence of this proposal, when taken in conjunction with the Basic Regulation, could place a number of unnecessary imposing and restrictive responsibilities upon any IATA EU Operator wishing to participate in a code share agreement with a third country operator. We note that the onus is placed upon an EU operator to accept responsibility for ensuring the code share partner meets EU continuing airworthiness standards due to the oversight requirements contained within the proposal.

The proposal will supersede current practices already undertaken with such arrangements potentially resulting in a huge increase in administrative workload for any member airline due to the requirement for the EU operator to undertake an audit, but with no added benefits being gained.

Recommendation - On behalf of our member airlines, and as part of any solution with regard to TCO requirements, IATA urges EASA that recognizes the IATA Operational Safety Audit (IOSA). The IATA Operational Safety Audit (IOSA) is widely accepted by regulators, is certified in accordance with international standards (ISO) as well as being recognized by ICAO.

2. IATA further believes there is a lack of clarity with regard to the definitions and the interpretation that could be placed upon the TCO requirements that are contained within this NPA and there has been a lack of a fully scoped RIA in this regard.

IATA believes the proposed requirements in regard to TCO arrangements for code shares would be unworkable and significantly disadvantage EU airlines in a global industry.

Recommendation - IATA would urge EASA to work with industry representatives to develop appropriate legislation and to understand fully the cost implications that these proposed changes to the Basic Regulation could bring to bear.

IATA shares the concerns of other organizations and would propose that a combined industry review of proposal 2010-10, along with the previously mentioned fully scoped RIA, would be useful to gain full understanding and consensus of the implications that are being recommended in the document.

response *Partially accepted*

The requirements proposed in NPA 2010-10 for code-share of aircraft registered in a third country have been deleted. The Agency considers that code-share could be effectively regulated by the provisions included in the Regulation for organisation requirements for air operators which satisfy the objectives intended by NPA 2010-10 while providing adequate flexibility.

The operator will need to assess regularly the compliance of its code-share partner with the applicable ICAO requirements; for such process the operator may rely on other party assessment programmes or certification schemes.

comment *121* comment by: *Atlas Air Worldwide Holdings, Inc.*

Re: Notice of Proposed Amendment (NPA) No. 2010-10

Ladies and Gentleman:
Atlas Air Worldwide Holdings, Inc. ("AAWW") is submitting these comments in response to Notice of Proposed Amendment No. 2010-10 (the "NPA"), in which the European Aviation Safety Agency ("EASA") has published proposed recommendations to amend Regulation (EC) No. 2042/2003, applicable in the first instance to EU aircraft operators. AAWW wishes primarily to express concerns about the derivative adverse impact on third-country aircraft operators. Unfortunately, AAWW was not made aware of the existence of the NPA until two days ago. These comments thus are necessarily high level and preliminary, based on a general review of the proposal.

AAWW is the parent of two U.S. cargo air carriers, Atlas Air, Inc. ("Atlas") and Polar Air Cargo Worldwide, Inc. ("Polar")[1], holds a minority interest in a U.K. cargo airline, Global Supply Systems Ltd., and participates in other aviation ventures. The core element of the Atlas business model is the provision of whole-plane lift to other airlines and large freight consolidators under so-called "ACMI"[2] arrangements, by which Atlas flies aircraft at negotiated per-block-hour rates for minimum numbers of hours per month with its customers assuming the marketing risk. When the customer is another airline, a wet lease is the standard commercial arrangement.

[1] AAWW owns 100% of Atlas. It has a 75% voting/51 % equity interest in Polar.
[2] **A**ircraft, **C**rew, **M**aintenance and **I**nsurance.

Having the ability to acquire capacity under wet-lease arrangements ("wet leasing-in") is beneficial to airlines in a variety of respects. First, it allows airlines to supplement existing services with a new aircraft type in situations where it would be uneconomical or commercially impractical for them to acquire and operate aircraft of that type in small numbers. Second, it enables airlines to test new markets and services without making substantial, long-term investments in additional aircraft. Third, by providing airlines with the flexibility to increase capacity on a short-term basis, wet leasing-in enables airlines to satisfy peak demand and respond to unanticipated occurrences.

The NPA in essence would expand EU Member State safety oversight to airlines of third countries. For the reasons stated below, AAWW believes that the proposal would adversely impact Atlas' wet leasing opportunities and,

concomitantly, EU airline operational flexibility, without providing meaningful safety benefits. The proposal also appears inconsistent with the U.S.-EU aviation agreement and the Chicago Convention.

Practical Impact
The NPA would extend EU regulatory requirements to aircraft operated by third-country airlines if such aircraft are wet leased by an EU airline or used for flights on which an EU airline places its designator code. The requirements generally are in the areas of continuing airworthiness and aircraft maintenance. *See* NPA ¶ 34 (2). Before wet leasing an aircraft from a third-country airline or placing its code on a flight of a third-country airline, an EU airline would have to "demonstrate to its competent authority" that the aircraft meets enumerated ICAO-related standards and satisfies a multitude of additional EASA requirements. *See* Proposed Regulation T.A.21O.

The proposal would require an EU aircraft operator to obtain from its third-country partner and provide to the EU competent authority a substantial amount of documentation already provided by the third-country airline operator to its own regulator (in our case, the U.S. Federal Aviation Administration), in order to satisfy the regulator that the third-country operator meets ICAO standards. That itself would be extremely burdensome. Yet the NPA would go much further by requiring the EU aircraft operator to satisfy the EU competent authority that the third-country operator meets numerous EASA-imposed requirements. Those requirements well could be incompatible with requirements of the third-country regulator — the body with safety oversight responsibility under the Chicago Convention — and even if not incompatible would impose significant additional burdens.

Those burdens would likely put a major damper on wet leasing and code sharing between EU and third-country airlines. The safety benefits appear to be marginal, at best, as the third-country airlines already are subject to the regulatory oversight of their own competent authorities. A better approach would be to rely primarily on the ICAO-established safety oversight regime, accompanied, perhaps, by a requirement that EU aircraft operators conduct safety audits of their third-country partners and certify the results to their EU competent authorities.

Legal Ramifications
The Air Transport Agreement between the United States and Member States of the European Union is designed to foster joint airline arrangements and to that end provides extensive opportunities for code sharing and wet leasing. Indeed, to facilitate completion of the agreement, the U.S. government created a new category of operation termed "aircraft with crew," essentially reversed the longstanding FAA policy prohibiting U.S. airlines from wet leasing aircraft from non-U.S. airlines. By eliminating or severely curtailing code sharing and wet leasing between U.S. and EU airlines, the NPA proposal would violate spirit, and possibly the letter, of the U.S.-EU agreement.[3]

Additionally, Article 8, § 1 of the U.S.-EU aviation agreement requires the signatories to recognize certificates of airworthiness issued by other signatories "as valid, for the purposes of operating the air transportation provided for in this Agreement." By intruding into the analysis of U.S. aircraft airworthiness, the NPA proposal seems to conflict with that aspect of the U.S.-EU aviation agreement.
Finally, Article 33 of the Chicago Convention states that "[c]ertificates of airworthiness and certificates of competency and licenses issued or rendered

valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other Contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention." The NPA acknowledges, however, that the proposal contains "requirements to be complied with in addition to those imposed by the State of Registry to ensure the continuing airworthiness of the aircraft during its service life, and proposes requirements for operators to demonstrate compliance with both the State of Registry requirements and the additional requirements." NPA, ¶ 39 (emphasis added). By its terms, the proposal appears to be at odds with the Chicago Convention.
* * *

[3] Notably, the Memorandum of Consultations accompanying the U.S.-EU aviation agreement explained that the United States, in approving U.S. air carrier code sharing and "aircraft with crew" *(i.e.,* wet lease) arrangements with foreign carrier, requires the U.S. carrier to certify that it has conducted a safety audit of the foreign carrier. That is far less intrusive than the EASA proposal, which would impose additional substantive requirements on the operating carrier and effectively cause EU competent authorities to oversee U.S. air carrier safety.

We appreciate the Agency's consideration of our views and look forward to further involvement as this proceeding progresses.

Very truly yours,
Russell E. Pommer
Associate General Counsel
cc: . John W. Dietrich, AA WW Chief Operating Officer

response *Partially accepted*

The requirements proposed in NPA 2010-10 for wet lease-in of aircraft from third-country operators and code-share of aircraft registered in a third country have been deleted. The Agency considers that wet lease-in and code-share could be effectively regulated by the provisions included in the Regulation for organisation requirements for air operators. These provisions meet the objectives set by NPA 2010-10 while providing adequate flexibility. The EU operator is given the possibility to demonstrate to the competent authority that wet lease-in aircraft is subject to standards equivalent to the EU continuing airworthiness rules. As for code-share, the EU operator shall verify and regularly assess that the third-country operator complies with the applicable ICAO Standards.

comment *122* comment by: *Air Transport Association of America*

Re: Notice of Proposed Amendment (NPA) No. 2010-10

Dear Sir or Madam:

The Air Transport Association of America, Inc. ("ATA") submits these comments in response to Notice of Proposed Amendment No. 2010-10 (the "NPA"), in which the European Aviation Safety Agency ("EASA") has published

proposed recommendations to amend Regulation (EC) No. 2042/2003, applicable to European Union (EU) aircraft operators.

The ATA is the principal trade and service organization of the U.S. scheduled airline industry, and our members[1] account for 90 percent of the passenger and cargo traffic carried annually by U.S. scheduled airlines. ATA member airlines currently operate a fleet of 4,083 large commercial transport airplanes. Several members engage in code sharing and leasing arrangements with EU aircraft operators, and may plan to further engage in such commercial arrangements in the future. If adopted, the recommended amendments of the NPA would affect the viability of existing and future code-share and leasing and agreements between EU and ATA-member airlines. Accordingly, ATA has a unique interest in the development of the recommended amendments.

Key Provisions of the Recommended Amendment.
The NPA would extend EU regulatory requirements to aircraft operated by third-country airlines if such aircraft are leased by an EU airline or used for flights on which an EU airline assigns its designator code. The requirements generally are in the areas of continuing airworthiness and aircraft maintenance. See Notice, ¶ 34(2). Before leasing an aircraft from a third-country airline or placing its code on a flight of a third-country airline, an EU airline would have to "demonstrate to its competent authority" that the aircraft meets enumerated ICAO-related standards and satisfies a multitude of additional EASA requirements. See Proposed Regulation T.A.210.

[1] ATA is the principal trade and service organization of the U.S. scheduled airline industry. ATA airline members are: ABX Air, Inc.; AirTran Airways, Inc; Alaska Airlines, Inc.; American Airlines, Inc.; ASTAR Air Cargo, Inc.; Atlas Air, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; Evergreen International Airlines, Inc.; Federal Express Corporation; Hawaiian Airlines Inc.; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines, Inc.; UPS Airlines; and US Airways, Inc. ATA Airline Associate Members are: Air Canada; Air Jamaica, Ltd.; and Mexicana.

Effect and Potential Impact of the Amendment.
The NPA would require an EU aircraft operator to obtain from its third-country partner and provide to the EU competent authority a substantial amount of documentation already provided by the third-country airline operator to its own regulator (in the case of ATA members, the FAA), in order to satisfy the regulator that the third-country operator meets ICAO standards. Compliance with this requirement would be extremely burdensome. However, the NPA would go much further by requiring the EU operator to satisfy the EU competent authority that the third-country aircraft operator meets numerous EASA-imposed requirements. Those requirements well could be inconsistent with requirements of the third-country regulator — the body with safety oversight responsibility under the Chicago Convention — and even if not inconsistent would impose significant additional burdens.

The proposed requirements would burden leasing and code sharing with third-country airlines to the extent that EU aircraft operators likely would find these arrangements economically impractical and their benefits unavailable. EU operators may no longer have the option to supplement their existing services with different aircraft types or additional aircraft in situations where it would be economical for them to acquire and operate such aircraft in small numbers. The requirements would diminish the ability of EU operators to economically and efficiently test new markets and services and their flexibility to increase

capacity in response to short-term demands.

International Law Considerations
This proposal creates the potential for serious adverse implications to well-recognized international law principles, including those specifically applicable to EU-U.S. civil aviation relations. For those reasons, the proposal should not go forward. Our concerns are briefly described below.

EU-U.S. Open Skies Agreement.
The open skies agreement was painstakingly negotiated in two stages over several years. It has vastly increased competition in transatlantic markets. As European Commission Vice-President Siim Kallas said earlier this year, the agreement has introduced "new commercial freedoms for operators and an unprecedented framework for regulatory cooperation in the field of transatlantic aviation." MEMO/10/74, March 3, 2010. More particularly with respect to the Notice of Proposed Amendment, the agreement opened up opportunities for EU and U.S. air carriers to code-share and wet lease aircraft; this was one of the important purposes of the agreement. By hampering code-share and wet-lease operations, the NPA could frustrate the freedom of air service that was the objective of those arduous negotiations.

Indeed, the agreement was structured to avoid precisely such an outcome. Article 8, § 1 of it states:

"The responsible authorities of the Parties shall recognize as valid, for the purposes of operating the air transportation provided for in this Agreement, certificates of airworthiness, certificates of competency, and licenses issued or validated by each other and still in force…."

The EU and U.S. negotiators underscored that commitment when they jointly declared that:
"Both delegations expressed their expectation that their respective aeronautical authorities would permit operations consistent with the terms of the agreement…." EU-U.S. Memorandum of Consultations of March 25, 2010, p. 3, ¶ 28.

The additional airworthiness and maintenance regulatory requirements that the NPA would impose clearly diverge from the core concepts of reciprocity that the EU and U.S. representatives envisioned in negotiations that were concluded less than nine months ago.

Chicago Convention.
More broadly, the NPA departs from the framework for mutual recognition that the Chicago Convention of 1944 established. Article 33 of the Convention states that "[c]ertificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other Contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention." The NPA, however, would impose regulatory requirements that go beyond those of the state of registry of the aircraft, an imposition that it clearly acknowledges. NPA ¶ 39.

Consequently, the proposal seems not to adhere to that longstanding principle of the Chicago Convention. That would troubling enough itself; it is all the

more so in the context of the EU-U.S. open skies system.

In view of the potential effect and impact of the recommended amendment, which has no apparent safety benefit and appears to contradict the EU-U.S. Open Skies Agreement, we recommend that the Agency withdraw an reconsider the NPA.

We sincerely appreciate the opportunity to comment on the Notice of Proposed Amendment, and would appreciate the Agency's consideration of these views.

Sincerely,
Joseph W. White
Managing Director, Engineering & Maintenance Air Transport Association of America 1301 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004

response *Partially accepted*

The requirements proposed in NPA 2010-10 for wet lease-in of aircraft from third-country operators and code-share of aircraft registered in a third country have been deleted. The Agency considers that wet lease-in and code-share could be effectively regulated by the provisions included in the Regulation for organisation requirements for air operators. These provisions meet the objectives set by NPA 2010-10 while providing adequate flexibility. The EU operator is given the possibility to demonstrate to the competent authority that wet lease-in aircraft is subject to standards equivalent to the EU continuing airworthiness rules. As for code-share, the EU operator shall verify and regularly assess that the third-country operator complies with the applicable ICAO Standards.

General comments p. 1

comment *15* comment by: *UK CAA*

Comment:
The operator has the responsibility for continuing airworthiness, but this proposal diffuses the situation. The CAMO-T may be in conflict, or cannot take responsibility, where an aircraft is managed by an organisation required and approved by the State of Registry. The proposed requirements duplicates/divides the responsibility for airworthiness such that delineation between the operator and the CAMO-T is not clear.

response *Not accepted*

The commentator has neither clearly identified which provisions could be conflicting nor which responsibilities are not clear. Nevertheless, as the proposal has been substantially amended, the requirements are less complex.

comment	*16* comment by: *UK CAA* **Comment:** The Competent Authority under T.B.201 and T.B.705 is given the authority to take action. There are no requirements placed on the CAMO-T to take any actions on receipt of notification of findings as required in Part M M.A.716 (c).
response	*Accepted* A requirement added in T.A.716.

comment	*17* comment by: *UK CAA* **Comment:** The safety case has not been provided to justify why this system of airworthiness management for non-EU aircraft has been proposed. It has not been explained why it is necessary to adopt this approach to satisfy the basic regulation.
response	*Noted* The essential requirements of Section 6 and Section 8.g of Annex IV to the Basic regulation are imposed to both aircraft referred to in Article 4(1)(b) and Article 4(1)(c) of the Basic Regulation; during the drafting phase of NPA 2010-10 it was considered reasonable to implement the requirements in a similar manner. Therefore, Annex V (Part-T) was created and developed trying to mirror Annex I (Part-M) structure.

comment	*40* comment by: *Luftfahrt-Bundesamt* **LBA Comments:** • The proposed change of the rule and AMC is only based on statements as "the amendment is expected to have a global positive impact" on safety without any detailed and substantial evidence and statistics based safety analyses. • It is questionable if the proposed changes are really necessary to ensure consistency between the Basic Regulation Article 4(1)(c) and Regulation (EC) 2042/2003. • The NPA does not verify if the differences can be solved by a change of the Basic Regulation without additional burden for industry and applicable authorities. • Dry lease-in is incompatible with Part-OR Subpart OPS. • Wet lease-in and code-share with non-EU registered A/C is possible only if the operator has complied with the new requirements of regulation 2042/2003 Part-T to contract a qualified maintenance organization only instead of having contracted a CAMO and Part-145 maintenance

organization with a substantial additional workload. Consequently this will impose some considerable additional workload on the national Authorities as these will have to verify and survey on the two certificates, the CAMO amended by Part T and the affected 145 organization without any safety related reason.

- These new requirements ask the CAT to provide additional evidence that the continuing airworthiness of the non-EU registered aircraft is managed in accordance with ICAO Annex 6 and the maintenance of those aircraft is performed by a qualified maintenance organization meeting the requirements of ICAO Annex 6 following the requirements of the new Part-T. Consequently, NAAs are involved in additional surveying tasks and administrative work (new Forms, additional applications, checking of contracts of a CAMO in accordance with Part-T, performing of corresponding audits etc.).
- For non-commercial operators of foreign CMPA the CAMO-T also applies. However, it is difficult for the qualified NAAs to get notice of such an operator in his country. Here, we see some difficulties in applying the rule.
- The proposed changes of the requirements and AMC create an additional burden to industry and responsible authorities which is not based on a substantial safety analysis resulting in a safety benefit or discussing alternatives (change of the Basic Regulation) Additionally the proposed changes provide extra interfaces which generate reductions in safety, NAAs have to verify and survey.
- Finally, the rules as proposed are difficult to overview. The NPA Explanatory Note contains a matrix, specifying the CAMO – requirements based on the registered aircraft / operator combination. For us, this is an indicator for a too complicated rule which should not be enforced.
- Although it is more an issue for the CAT operators concerned, we would like to highlight that some leasing activities, which are currently performed, will not be allowed if the NPA will be enforced as proposed. It is unclear, how the CAMO-T rules should be applied to very large airlines operating in alliances with other non-EU operators. Are U.S. operators required to have a CAMO-T for all their aircraft when they offer code share flights for European partners? We could imagine that this is not intended, as this is, de facto prohibiting large alliances between European and non-European operators. However, we can't see a safety related reason behind this idea.

Based on our general comments above, the LBA refuses the NPA 2010-10. Administrative tasks, such as checking the CAMO as regards compliance with the proposed Part-T will need to be performed, together with additional surveying tasks concerned (procedures, organization, personnel). The NPA is based on Article 4 of the basic regulation, saying in Article 4, paragraphs c) and d), that third country aircraft are requested to comply with this Basic Regulation. In our view, this cannot be achieved by simply introducing the proposed administrative requirements. These will not ensure that the basic requirements of the Basic Regulation. (EC) Nr. 216/2008 will be met in a physical and legal way.

Consequently, it is our understanding that the NPA is introduced for formal reasons only.

In our view, it would be more beneficial to amend the Basic Regulation,

	clarifying which types of aircraft could be regulated under the legal umbrella of the European Community, bearing in mind that, in almost every case, ICAO constraints are met and that ICAO provides legal solutions, such as Article 83bis of the ICAO Convention.
response	*Not accepted* 1st bullet point: Not accepted. The NPA 2010-10 explains that the proposed changes stem from the need to align with the Basic Regulation, in particular with Article 8(1) that mandates that the operation of aircraft referred to in Article 4(1)(b) and (c) shall comply with the essential requirements set out in Annex IV and if applicable Annex Vb. The impacts of imposing those essential requirements were already considered at the time the Opinion No 03/2004 for the adoption of the Basic Regulation was issued. 2nd bullet point: Noted. The proposal has been significantly amended. 3rd bullet point: Noted. Opinion No 03/2004 and COM(2005)/579 justify the need for the adoption of the Basic Regulation. 4th bullet point: Noted. The commentator does not specify whether he/she opposes or he/she is in favour. 5th bullet point: The proposed text for wet lease-in and code-share aircraft of third-country operators has been deleted. 6th bullet point: The proposed text for wet lease-in and code-share aircraft of third-country operators has been deleted. 7th bullet point: Operators of third-country registered complex motor-powered aircraft are subject to declaration, which enables the competent authority to find out about such operator. 8th bullet point: Not accepted. The commentator does not explain how the proposal may generate reductions on safety. 9th bullet point: Accepted. The proposal has been significantly simplified. 10th bullet point. The proposed text for wet lease-in and code-share aircraft of third-country operators has been deleted. The Basic regulation in recital (2) states that 'third-country aircraft operated into, within or out of the territory where the Treaty applies should be subject to appropriate oversight at Community level within the limits set by the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 (the Chicago Convention), to which all Member States are parties', which clearly indicates the intention of the regulator to establish measures to exercise such oversight. Article 83bis is a discretionary and flexible instrument available in the Chicago Convention, which does not entail the automatic transfer of functions and duties from the State of Registry to the State of the Operator; it requires that such a transfer be expressly arranged through an agreement between the States Concerned.

comment 58 comment by: *KLM Engineering & Maintenance*

KLM General comments
In general , if this proposed amendment would become rule, we expect a substantial increase in workload in the preparation- and institutionalization of procedures (and formal updating of company manuals) under our Part M subpart G approval to cover the oversight of the continued airworthiness of third country aircraft in the case of wet-lease-in or codeshare activities, with no obvious safety benefits.

More in detail, please find below the issues we would like to raise from our own practical experience that we believe will invalidate or weaken the position taken by EASA under this NPA.
1) Dry lease-in: EASA does not allow a temporary dry-lease-in agreement between a community operator and a third country operator (TCO) unless the subject third country aircraft is/will be EU registered. Dry lease-in is no further the subject of this NPA.
This EASA interpretation is not in-line with the current interpretation of CAA-NL which allows dry lease-in under certain conditions that are quite similar to the requirements relevant to wet lease-in constructions. We would like to urge EASA to respect and accept this member state procedure.
2) Codeshare and wet lease-in: EASA proposes that when a community operator wishes to codeshare with a TCO or when a community operator wishes to wet lease-in aircraft of a TCO that :

- the TCO aircraft has to comply with "ICAO equivalent requirements" to Part M
- the TCO holds an AOC in accordance with ICAO Annex 6
- the TCO has maintenance performed by a qualified maintenance organisation meeting the requirements of Annex 6
- continued airworthiness of these third country aircraft is ensured by oversight of the Community operator Part M Subpart G CAMO on the basis of the newly to be installed Part T , the requirements of which are applicable for TCO aircraft over and above State of Registry requirements
- the Community operator enters into an formal agreement with the TCO adressing all the above requirements
- the Community operator must obtain approval from local NAA and submit all documents necessary before start of operations.

Codeshare activities are based on commercial agreements between two air carriers and currently (in the case of KLM) do not need local CAA approval before commencement . The proces for codeshare resorts under the CAA NL approved Safety Management System of the operator which a.o. contains the codeshare audit programme. In this already approved codeshare audit programme the procedures and requirements are listed that have to be met before the operator will formally approve a potential codeshare . One of the requirements is that the operator will perform an audit of the code sharepartner or that the operator makes use of audits performed by other audit organizations at the code sharepartner's locations.
The point that KLM wishes to make is that we believe that the oversight by the community operator of the TCO (for a large part covering the requirements listed in the NPA) and which is performed by means of auditing represents an equivalent level of safety as compared to the rigid administrative process as proposed in the NPA. Moreover, the requested approval by the local NAA before commencement of activities on codeshare or wet lease-in is an administrative burden with no added benefits and is currently no requirement

in EU OPS. To require this upfront approval would be a violation of the EASA Management Board Decision of September 2009.
An additional issue with respect to auditing of codeshare partners is that community operators are increasingly using the results of audits performed by audit organisations that audit on the basis of audit standards prepared by recognized standardization authorities. To name such an authority: IATA , that has produced the IOSA standard, specifically with an eye on codesharing. IOSA is ISO certified but in this NPA EASA makes no mention of the possible use of this globally acceptable standard. A route that also can be taken is via BASA/MIPs , but the NPA does not mention anything in this respect.
3) Unwanted side effects of this proposed rulemaking
TCO might not be able to strictly meet the requested requirements (while there is an equivalent level of safety), resulting in possible break-up of current codeshare /wet lease agreements

- TCO's which are now confronted with more rigid requirements for continued airworthiness of their aircraft might have their State of Registry start retaliations towards EU territory and this might block impending bilateral agreements.
- There will definitely be a non level playing field between codeshare/wet lease operations under European operators versus such operations under non-European operators. These non-European operators do not have the administrative requirements (such as proposed in this NPA) imposed by their authorities.

We firmly believe that the proposed rules will result in a substantial extra administrative burden (and non-level playing field) with concurrent adverse commercial implications while safety of operations is not demonstrably enhanced as compared to the current working procedures which are agreed by our Local NAA.

response *Noted*

See answer to comment #12.

comment *119* comment by: *Air Transport Association of America*

Attachment#2

Comments of the Air Transport Association to NPA 2010-10 attached.

response *Noted*

See answer to comment #122.

TITLE PAGE p. 1

comment 98 comment by: *DGAC FRANCE*

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 persuant 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.

No specific comment linked to issue 2 commercial operations and commercial air transport.

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

response *Partially accepted.*

Issue 1: Noted.

Issue 2: Noted.

Issue 3: Accepted.
The proposal included in NPA 2010-10 for code-share has been removed. It is acknowledged that code-share could be effectively regulated by means of organisation requirements for air operators that would meet the objectives set by NPA 2010-10 while providing adequate flexibility.

A. EXPLANATORY NOTE - IV. Executive summary and summary table - Issue 2: Commercial operations and commercial air transport p. 5-6

comment 63 comment by: *CAA-NL*

response *Noted*

The Agency notes that no text was added to this comment.

comment	*90* comment by: *Aero-Club of Switzerland* Page 5/80 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. Justification: In doing so confusion is avoided.
response	*Not accepted* 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'.

comment	*102* comment by: *René Meier, Europe Air Sports* Page 5/80 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.
response	*Not accepted* See answer to comment #90.

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	*10* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **Issue 3: The scope of article 4(1)(c) of the Basic Regulation – Part T** ***Opinion of general interest*** **ATO** The requirement for an ATO to have a CAMO-T assures a controlled safety level. It is reasonable requirements for a safety level for the EU citizen when training is performed in 3rd country. **Code-share and wet-lease** We are not convinced that rules affecting code share arrangements with third country operators can be based on current Article 4 of Regulation (EC) No 216/2008. With normal reading of the Regulation it is difficult to see that such an airline is "used into, within or out of the Community" by an EU carrier if the third country carrier is not operating into the Community, be it not at all or not

as a part of the actual code share arrangement.
Nor are we convinced that there has been demonstrated any added value of the proposals that outweighs the additional burdens and difficulties that the proposed rules will impose on our carriers and on the NAAs.
If such a third country operator is actually operating into the EU it will need an EASA authorisation. In those cases there seems already on that basis to be no need for further burdensome procedures to be put on the shoulders of EU carriers. For code share with carriers not operating inside the Community the added value has not been demonstrated. What could be an improvement from a safety point of view is a mechanism that stops code share arrangements with air carriers on the "black list" but that could be achieved with other means.

NON-COM ATO
The requirement for a NON-COM ATO is reasonable.
It is reasonable requirements for a safety level for the EU citizen when training is performed in 3rd country.

Private operators
The requirement for private used 3rd country aircraft will be difficult to verify. It will be difficult to have legal possibilities for impose sanctions for them who not follow the requirements.
Please explain how the NAA should take action?

Opinions and questions in the Section A

T.A.201
Reasonable requirements.
But in T.A.201(1)(d) AMP, it should be in accordance with the TC ICA. Not necessary a maintenance program. Some countries doesn't require an AMP.

T.A.220, T.A.230
Unnecessary complicated heading. One solution can be too dived it into 2 or 3 sentences.

T.A.704 CAME
If the CAMO manages one aircraft in for example US and another in China, are two chapter 6 necessary?

T.A.301 AMP
T.A.301(2) refer to:
"tasks and intervals that have been **specified as mandatory** in the instructions for continued airworthiness."
There is no AMC to this item. More explanation is necessary to clarify this requirement.

AMC to M.A.302(d)(1):
" should also take into account **any** maintenance data containing information on scheduling for components."

This makes the requirement less hard for 3rd country aircraft than EU-registered ones.

Appendix I to Part-T Continuing Airworthiness management contract.

	A meeting should be mentioned in the contract. 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 be written in that way. Operational requirement should be mentioned in the CAMO contract. This because of the CAMO need to know what kind of operation to secure the equipment level for the aircraft. Item 5.1.2.(a) in Appendix I It should refer to: "according to the maintenance contract." ***<u>Opinions and questions in the Section B</u>*** **Authority impact** **T.B.102** NAA needs more knowledge about other countries system (and language). NAA must develop more procedures. It can require more resources for the authority.
response	*Noted* **Comment 1: Opinion of general interest.** Noted. Although the text of the proposal has changed (and it doesn't refer specifically to ATOs but to commercial operations), the principle remains unchanged. **Comment 2: Code-share and wet lease.** Partially accepted. The objective of the requirements included in NPA 2010-10 was to ensure that wet lease-in and code-share with aircraft from third-country operators takes place in a controlled environment ensuring an acceptable level of safety. The Agency considers that wet lease-in and code-share could be effectively regulated by the provisions included in the Regulation for organisation requirements for air operators (Part-ORO) which satisfy the objectives set by NPA 2010-10 while providing adequate flexibility. The EU operator is given the possibility to demonstrate to the competent authority that wet lease-in aircraft is subject to standards equivalent to the EU continuing airworthiness rules. As for code-share, the EU operator shall verify and regularly assess that the third-country operator complies with the applicable ICAO Standards. **Comment 3: NON-COM ATO.** Although the text of the proposal has changed (and it doesn't refer specifically to ATO but to commercial operations), the general principle remains unchanged. **Comment 4: Private operators.** Article 8(3) of the Basic Regulation requires operators engaged in non-commercial operations of complex motor-powered aircraft to declare their capability and means of discharging the responsibilities

associated with the operation of that aircraft. This requirement has been transposed to T.A.205 (2) and will enable the competent authority to be informed of the operation of these aircraft in its territory. For other than complex motor-powered aircraft not engaged in commercial operations the competent authority will need to conduct inspections in order to verify that the requirements of Part-T are complied with. In addition, T.B.202 enables the competent authority to take action if non-compliance to the requirements is detected.

Comment 5: T.A.201 (1)(d). Not accepted. Section 6 of Annex IV to the Basic Regulation specifies in point 6.a(iv) that an aircraft must not be operated unless the maintenance of the aircraft is performed in accordance with its maintenance programme, and in point 6.d it specifies the contents of the maintenance programme.

Comment 6: T.A.220, T.A.230. These paragraphs have been deleted.

Comment 7: T.A.704 CAME. The CAME has to include all the necessary procedures to explain how the CAMO performs the M.A.708 tasks.

Comment 8: T.A.301 AMP. AMC to M.A.302(d)(1):
It has to be clarified that for third-country registered aircraft affected by Part-T, a maintenance programme is required and it shall comply with the requirements of Subpart C but this is not approved by the competent authority specified in T.1. Section C does not pretend to describe how to prepare a maintenance programme, it just gives the minimum elements it should contain to allow the operation of an aircraft registered in a third country to be operated by an EU operator.

Comment 9: Appendix I to Part-T Continuing Airworthiness management contract.
Appendix I details the minimum contents that the contract between the CAMO and the owner/operator needs to consider, in particular the responsibilities that are assumed by each party. Detailed working procedures such as meetings could be part of the CAMO procedures.

Comment 10: T.B.102. Noted. The RIA envisaged an increase in the regulatory compliance costs.

comment *19* comment by: *UK CAA*

Paragraph No: Issue 3 – The scope of article 4(1)(c) of the Basic Regulation, CASE 1 (first bullet point)
Comment::
Part-T (Annex V) should include requirements for third country registered aircraft being dry leased-in.
See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).

response *Accepted*
The proposal has been amended to include requirements for third-country registered aircraft being dry leased-in by EU operators. These requirements are

	complementary to the requirements of OR.AOC.110 (d) for dry lease-in.

comment	*48* comment by: *Transport Malta - Civil Aviation Directorate* What does 'operator' mean in such case? It is not very clear.
response	*Noted* Operator is defined in Article 3(h) of Regulation (EC) No 216/2008, as last amended by Regulation (EC) No 1108/2009, as any legal or natural person operating or proposing to operate one or more aircraft or one or more aerodromes.

comment	*60* comment by: *IACA International Air Carrier Association* Attachment#3 **CASE 1: Dry lease-in of third country aircraft** At the workshop of 1st October, EASA explained that dry leasing-in of foreign aircraft is not compatible with EU-OPS, considering per EU-OPS 1.180(a)(1) aeroplanes need to have a standard Certificate of Airworthiness issued in accordance with Part-21. It is not clear to IACA why the internationally accepted requirement to have a standard Certificate of Airworthiness issued in accordance with ICAO Annex 8 has been deleted when transposing JAR-OPS 1.180(a)(1) to EU-OPS 1.180(a)(1) ? The leisure industry is faced with an inherent seasonal demand for aircraft capacity. To manage these seasonal effects on a yearly basis, operators lease-in during high season and/or lease-out during low season. Why is it acceptable to wet lease-in but not to dry lease-in a third country aircraft, when in both scenarios the aircraft has a certificate of airworthiness issued in accordance with ICAO Annex 8 ? Dry leasing-in however does provide an additional layer of safety compared to wet leasing-in: • the third country aircraft is operated on the AOC of the EU-operator • by the flight crew of the EU-operator • and maintained per Part-145 requirements under the continuing airworthiness management of the EU operator Per attached letter dated 6 December 2010, IACA kindly asks EASA to review Part-OPS, Part-M and Part-T accordingly to support the continued safe operation by EU operators of dry leased-in third country aircraft. Yours sincerely Erik Moyson

Director Technical & Operations/IACA

SSCC member

on behalf of 34 IACA member airlines

response *Accepted*

The proposal has been amended to include requirements for third-country registered aircraft being dry leased-in by EU operators. These requirements are complementary to the requirements of OR.AOC.110 (d) for dry lease-in.

comment *64* comment by: *CAA-NL*

Our concern is the extension of the EU regulation to third country aircraft or the interpretation of article 4(1)(c) of the basic regulation. Again here we would like to cite our comments made on the CRD for Part AR/OR:

'We do not agree that code-share operations should be considered as operations of Third Country Operators, meant under Article 9 of the Basic Regulation. Code-share agreements are marketing tools, by which the safety assessment of operations by the code-share partner is delegated to the EU operator. Subsequently, the entire Article OR.OPS.AOC.115 and the related AR article should be deleted.

In addition we also believe that the requirements for leasing agreements are going too far. These operations should, according to the other operations with aircraft falling under Article 4.1.d, only be required to comply with ICAO rules and Part TCO when entering EU airspace.'

'**OR.OPS.AOC.110**

We are opposed to some of the proposed provisions on leasing. Our objections concern the requirements for the operator applying for approval of a wet-lease in to demonstrate that the third country operator complies with applicable EU safety requirements for air operations and organisations, Regulation (EC) No 2042 and part-FCL. Since the wet-lease in operations are considered as a third country operation, they should be treated accordingly. The requirements OR.OPS.AOC.110 c-1 ii and iii and c-3, go beyond the rules to which third country operators have to comply. We suggest to replace (C)(1)(ii)/(iii) and to delete (C)(3)

New (C)(1)(ii): Holds a valid TCO approval.

OR.OPS.AOC.115

We are opposed to some of the proposed provisions on code –share agreements. Our objections concern the requirements for obtaining approval for a code-share agreement, based upon demonstrating compliance with the requirements for third country operators and with Annex IV of the Basic Regulation, containing essential requirements for air operations subject to Member States' oversight. Code-share agreements should, in our vies, not be considered as third country operators, meant under Article 9 of the Basic Regulation, nor operations with aircraft falling under Article 4.1.d. Codeshare operations by third county aircraft do usually not enter airspace within the territory of the European Union. When they are entering the territory of the EU, they will have to comply with Part TCO in its own right. Providing for an

implementing rule is therefore going beyond the mandate defined in the Basic Regulation. Subsequently, the entire Article OR.OPS.AOC.115 should be deleted.'

In line with these principles we can foresee that for instance ATO's located within the EU territory dry leasing an foreign registered aircraft need to comply with some EU regulation on airworthiness. In line with these principles we don't foresee EU airworthiness regulations to be applied for instance to the foreign registered aircraft used by a foreign located subsidiary of a EU ATO or by code-share partners not used in within or out of EU airspace. Consequential also a number of articles within Part T should be deleted or amended in line with the requirements for 'plain TCO aircraft'.

response

Not accepted

Firstly, this NPA 2010-10 does not include requirements for aircraft referred to in Article 4(1)(d) of the Basic Regulation, but for aircraft referred to in Article 4(1)(c). Secondly, within NPA 2010-10 there is no requirement imposing the need to have a TCO approval (NPA 2011-05 'Third Country Operators') for wet lease-in and code-share of aircraft from third-country operators.

As for the concern expressed by the commentator that the requirements for leasing agreements are going too far, and the specific comments to 'OR.OPS.AOC.110' and 'OR.OPS.AOC.115', it has to be clarified that the objective of the requirements included in NPA 2010-10 and NPA 2009-02 was to ensure that wet lease-in and code-share with aircraft from third-country operators take place in a controlled environment ensuring an acceptable level of safety. The comments raised on NPA 2010-10 with regard to wet lease and code-share clearly indicated that the proposal was not providing enough flexibility to EU operators and that it would represent substantial extra administrative burden.

In parallel to the NPA 2010-10 consultation and the comments-review period, the Regulation for organisation requirements for air operators was being finalised. Such Regulation included requirements for wet lease and code-share of aircraft from third-country operators that would meet the objectives set intended by NPA 2010-10 while providing adequate flexibility. Therefore, the Agency decided to delete from NPA 2010-10 the provisions referring to wet lease and code-share of aircraft from third-country operators.

The NPA 2010-10 has been amended to include requirements for third-country registered aircraft operated by EU operators or operated into, within or out of the EU by persons residing or established in the EU.

comment

74 comment by: *AOPA-Germany*

IAOPA appreciates that operators of non-complex aircraft engaged in non-commercial activities and registered in a third country can continue their operations just following the provisions of ICAO Annexes 6 and 8 for airworthiness.

But IAOPA criticizes that the operators of complex aircraft registered in a third country need to contract a CAMO-T and have to hold a type-certificate issued or accepted by EASA.
We consider it as critical that EASA does not accept the continued airworthiness requirements of ICAO member states when demanding to

contract European CAMO-Ts.
The safety benefit of this requirement is unclear as there are no statistics on the safety record of non-commercial aircraft operated in the European Registers.
We believe that the requirement to comply with both the requirements of EASA-CAMO-Ts and the airworthiness requirements of the state of the aircraft´s registration will constantly cause conflicts for the aircraft operators, which will have without doubt an adverse effect on aviation safety.
If a type certificate is issued by an ICAO member-state this should be sufficient, EASA should require an acceptance process.

IAOPA also believes that it is unfortunate that EASA addresses the issue of third country aircraft in various rulemaking programmes under FCL, OPS and airworthiness without proper coordination between these tasks. We strongly recommend to approach this highly important issue of third country aircraft (which have a share of about 10% of the European General Aviation fleet) in a coherent way and after intensive consultation with the affected stakeholder groups. We would like to avoid the problems that arose in the process of EASA-FCL when Third Country Licenses were addressed.

response

Not accepted

1st paragraph: Noted.

Part-T has been significantly amended and the Agency would like to particularly highlight to IAOPA that the proposal for other than complex motor-powered third-country registered aircraft not used for commercial purposes has been modified. The amended text requires a type certificate issued or accepted by the Agency for any third-country registered aircraft operated by an operator for which any Member State ensures oversight of operations or which is operated into, within or out of the EU by an operator established or residing in the EU. This is necessary to ensure compliance with Article 5(1) of the Basic Regulation.

2nd paragraph: Not accepted.

The intention of the regulator when extending the scope of the regulation to aircraft referred to in Article 4(1)(c) was to ensure that third-country registered aircraft used into, within or out of the EU would be subject to appropriate oversight at EU level.

The requirements included in Part-T for third-country registered aircraft are intended to ensure compliance with Article 5(1) and Article 8(1) of the Basic Regulation.

A CAMO-T is required only for complex motor-powered aircraft and aircraft operated for commercial purposes.

3rd paragraph: Noted.

This proposal has been coordinated to the possible extent with the OPS proposals.

comment

120 comment by: *Mont Smith - Directory, Safety - ATA*

Attachment#4

December 10, 2010
Process Support
Rulemaking Directorate
EASA
Postfach 10 12 53
D-50452 Cologne
Germany
Attention: Comment-Response Tool (CRT) at http://hub.easa.europa.eu/crt/
Reference: (a) EASA NPA 2010-10
Subject: ATA Comments on EASA Notice of Proposed Amendment 2010-10 re: "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"

The Air Transport Association of America, Inc. (ATA), on behalf of its airline members1[1], appreciates this opportunity to provide comments on the Notice of Proposed Amendment entitled, "Alignment of Regulation (EC) No 2042/2003 with Regulation (EC) No 216/2008 andwith ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme." The NPA solicits public comments Issue 3: The scope of article 4(1)(c) of the Basic Regulation Article 4(1)(c) of the Basic Regulation imposes to aircraft registered in a third country used by EU operators the need to comply with the applicable provisions of the Basic Regulation. In order to implement this requirement in Regulation (EC) No 2042/2003, Part-T is proposed. ATA's comments specifically address Case 2 and Case 3 (page 6 and 7 of 80).

Safety is our members' foremost priority. ATA member airlines have embraced safety management processes mandated by global civil aviation authorities and have historically gone beyond mere compliance to voluntarily develop and implement aggressive, data-driven, risk-oriented safety programs to detect adverse events or trends and take timely corrective action. Thus, ATA and its members have a vested interest in the outcome of this rulemaking.

The European Aviation Safety Agency (EASA) asserts that article 4 1 c) of EASA Basic Regulation 216/2008, which states in part: "*aircraft, including any installed product, part and appliance, which are registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community shall comply with this regulation*," gives EASA the legal mandate to impose all EASA continuing airworthiness requirements on any aircraft of a non-EU airlines code-sharing with an EU airline. The ATA strongly disagrees with EASA's interpretation of EASA Basic Regulation 216/2008 because it most certainly exceeds the intent of the European Union's commerce legislation.

In practice, these very cumbersome EASA proposals would render codesharing between EU airlines and non-EU airline de-facto impossible. This would significantly impact the economic opportunity of the U.S. airline industry in the global marketplace for no obvious safety benefit. In general, if this proposed amendment became rule, ATA would expect a substantial increase in workload and expense in the preparation and institutionalization of airworthiness and maintenance procedures (accompanied by associated maintenance manual changes) to obtain Part M subpart G approval if a U.S. airline were to undertake a business arrangement delineated in Case 2 or 3 cited on pages 6

and 7 of the NPA . The redundant oversight of continued airworthiness of U.S. aircraft operated in such a wet-lease or codeshare activity would yield no obvious safety benefit.

Furthermore, EASA proposes that when a Community operator wishes to codeshare with a Third Country Operator (TCO), or when a Community operator wishes to wet lease aircraft of a TCO, that :

- the TCO aircraft has to comply with "ICAO equivalent requirements" to Part M
- the TCO holds an AOC in accordance with ICAO Annex 6
- the TCO has maintenance performed by a qualified maintenance organization meeting the requirements of Annex 6
- continued airworthiness of these third country aircraft is ensured by oversight of the Community operator Part M Subpart G CAMO on the basis of the proposed Part T, the requirements of which would be applicable for TCO aircraft *over and above* State of Registry requirements.
- the Community operator enters into an formal agreement with the TCO addressing all the above requirements
- the Community operator must obtain approval from local NAA and submit all documents necessary before start of operations.

ATA regards the latter three of these stipulations as most onerous.
ATA believes there is a clear disconnect between this EASA NPA 2010-10 on maintenance aspects of code-sharing and the EASA proposals (NPA 2008-22) made for operational aspects of code-sharing under its Authority Requirements (AR) / Organization Requirements (OR).
ATA also has major concerns regarding NPA 2008-22, which seems to be based on subjective interpretations of the EASA basic regulation - specifically in relation to EASA proposals to require code-share partners of EU airlines to comply with Annex IV of the EASA basic regulation. The latter would make code-sharing between EU airlines and non-EU airlines (e.g., U.S. airlines) impossible due to differing regulatory environments.
Further, ATA encourages EASA to recognize the IATA Operational Safety Audit (IOSA) system for code-share auditing in order to prevent runaway inflation in audits.
Very respectfully submitted,
Mont J. Smith
Director, Safety
Air Transport Association

1[1] ATA is the principal trade and service organization of the major scheduled air carriers in the United States. ATA members and affiliates account for more than ninety percent (90%) of the passenger and cargo traffic that U.S. scheduled airlines carry annually. ATA airline Members are: ABX Air, Inc.; AirTran Airways; Alaska Airlines, Inc.; American Airlines, Inc.; ASTAR Air Cargo, Inc.; Atlas Air, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; Evergreen International Airlines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Midwest Airlines, Inc.; Southwest Airlines Co.; United Airlines, Inc.; UPS Airlines; and US Airways, Inc. ATA Airline Associate Members are: Air Canada and Air Jamaica Ltd.

response

Not accepted

The Agency welcomes ATA members' commitment towards safety.
The commentator claims that the Agency asserts that Article 4(1)(c) gives

EASA the legal mandate to impose all EASA continuing airworthiness requirements on any aircraft of non-EU airlines code-sharing with an EU airline; this was not the intention of the proposal and it is in fact not stated in the NPA.
The Basic Regulation in its recital (2) states that 'third-country aircraft operated into, within or out of the territory where the Treaty applies should be subject to appropriate oversight at Community level within the limits set by the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 (the Chicago Convention), to which all Member States are parties', which clearly indicates the intention of the regulator to establish measures to exercise such oversight.

Consequently, the proposal was drafted to establish compliance with the essential requirements established in Section 6 and Section 8.g of Annex IV to the Basic Regulation. The approach taken during the development of the requirements in NPA 2010-10 for wet lease-in and code-share of third-country registered aircraft was to adhere to the ICAO requirements which are considered to provide an equivalent level of safety to those imposed by the Basic Regulation (Annex IV, Section 6 and Section 8 (g)). Complying with the 'equivalent' ICAO requirement would be a means to comply with the Basic Regulation requirements. Therefore, NPA 2010-10 was not including any requirement for third-country operators that couldn't have been met by complying with the applicable ICAO Annex 6 standards.
The proposal did not impose on third-country operators wishing to wet lease-in or code-share aircraft with an EU operator the need to obtain a Part-M Subpart G approval and it foresees that the continuing airworthiness management is performed by the operator of the aircraft subject to compliance with the ICAO Annex 6 requirements.

The objective of the requirements included in NPA 2010-10 was to ensure that wet lease-in and code-share with aircraft from third-country operators take place in a controlled environment ensuring an acceptable level of safety. The comments raised on NPA 2010-10 with regard to wet lease and code-share clearly indicated that the proposal was not providing enough flexibility to EU operators and that it would represent substantial extra administrative burden.
In parallel to the NPA 2010-10 consultation and the comments-review period, the Regulation for organisation requirements for air operators was being finalised. Such regulation included requirements for wet lease and code-share of aircraft from third-country operators that would meet the objectives set by NPA 2010-10 while providing adequate flexibility. Therefore, the Agency decided to delete from NPA 2010-10 the provisions referring to wet lease and code-share of aircraft from third-country operators.

The Agency acknowledges the importance of the IOSA programme. The operator needs to assess regularly the compliance of its code-share partner with the applicable ICAO requirements; for such process the operator may rely on other party assessment programmes or certification schemes.

A. EXPLANATORY NOTE - IV. Executive summary and summary table - SUMMARY TABLE [Non-EU registered aircraft (Part-T is applicable to them)] p. 9

comment	*6* comment by: *Thomson Airways* Why is it acceptable to 'wet lease-in' an aircraft but not 'dry lease in' when the aircraft in both scenarios are operated with a C of A issued IAW ICAO Annex 8? It could be argued that the 'dry lease in' improves safety levels because the aircraft are operated by a member state flight crew as opposed to a 'wet lease in' where the third country flight crew operate the aircraft. Dry leasing into the community from a non member airline should be acceptable provided- • The airline/aircraft are registered within a country that has an existing bi-lateral with EASA or a member state • The aircraft AOC has been issued IAW ICAO Annex 8 • The airline holds and maintains the aircraft IAW EASA Part 145 • All components installed on the aircraft are certified IAW an EASA Form 1, FAA 8130-3 or TCCA Form 1 • Pre-contract audits be carried by the proposed EASA dry lease operator of the EASA Part 145 and Continuous Airworthiness Management Organisation of the airline which will provide the dry lease aircraft • EASA Appendix I or Appendix II to M.A. 201 contractual documents will be put in place to define the responsibilities between the two organisations of Continuing Airworthiness Management tasks. • Interface procedures will be established between the two organisations to define the day to day activities between the two organisations. **<u>Proposal</u>** Part OR Subpart OPS be amended to state - ....C of A issued in accordance with Part 21 ***(or equivilant, provided this is acceptable to the competant authority)***.....
response	*Partially accepted.* The proposal has been amended to include requirements for third-country registered aircraft being dry leased-in by EU operators. These requirements are complementary to the requirements of OR.AOC.110 (d) for dry lease-in.

comment	*20* comment by: *UK CAA* **Paragraph No:** Summary Table(non-EU registered aircraft (Part-T applicable to them)) **Comment:** (1) Part-T (Annex V) should include requirements for third country registered aircraft being dry leased-in. (2) In addition, the first column of the table states "NON-EU registered aircraft (part-T applicable to them)". This would also include countries that are not EU

states but are part of the EEA (such Norway and Iceland).

Justification:

(1) See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).

(2) The cover pages of Regulation (EC) Nos 216/2008, 1008/2008 and 2042/2003 all state "Text with EEA relevance". For consistency and clarification purposes, replace Non-EU registered with third country registered

Proposed Text:

(1) Requires further discussion.

(2) "Third Country registered aircraft (Part-T applies)".

response *Partially accepted*

Comment 1: Accepted.

The proposal has been amended to include requirements for third-country registered aircraft being dry leased-in by EU operators. These requirements are complementary to the requirements of OR.AOC.110 (d) for dry lease-in.

Comment 2: Not accepted.

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 this means a European Union Member State and states associated to the Agency in accordance with Article 66 of the Basic Regulation.

A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - The scope of article 4(1)(c) of the Basic Regulation p. 13-16

comment *21* comment by: *UK CAA*

Paragraph No: 34 (1)

Comment:

Part-T (Annex V) should include requirements for third country registered aircraft being dry leased-in.

Justification:

See CAA UK comment for dry leasing-in of third country registered aircraft

	submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).
response	Accepted The proposal has been amended to include requirements for third-country registered aircraft being dry leased-in by EU operators. These requirements are complementary to the requirements of OR.AOC.110 (d) for dry lease-in.

comment	*49* comment by: *Transport Malta - Civil Aviation Directorate* Taking into consideration that many of the concepts and terminology introduced in this NPA are new and complicated and may not be clear to most of the readers of this NPA, clarification that in such case, the Substantive Requirements for these aircraft remain the same as for Reg (EC) No 216/2008 Article 4.1(c) aircraft used by an 'EU operator' as defined in this NPA, may be needed.
response	*Noted* The proposal has been significantly amended resulting in a less complex text.

comment	*75* comment by: *AOPA-Germany* If the compliance with ICAO requirements is considered to be of equivalent safety as the compliance with European airworthiness requirements, why is there a need to bring an aircraft into a CAMO-T at all?
response	*Not accepted* A CAMO-T is required for the management of the continuing airworthiness of complex motor-powered aircraft and aircraft operated for commercial purposes.

comment	*86* comment by: *Association of Asia Pacific Airlines* AAPA with reference comments made earlier AAPA strongly suggests that the scope of article 4(1)(c) is not applicable to code-share operations
response	*Noted* See answer to comment #84.

comment	*87* comment by: *Association of Asia Pacific Airlines* Page 15 Para 37 AAPA fully supports that the Basic Regulation shall not effect the rights of third countries as defined under the Chicago Convention. Page 15 Para 38 AAPA considers that this Para contradicts what is stated in para 37 and goes beyond the sovereign rights of a State as defined under the Chicago convention especially in the area of code sharing operations which can occur outside of the EU as an extension to an operation. Page 15 Para 39 No carrier should be required to duplicate demontrations of compliance. The basis of compliance must be in accordance with ICAO Annexes.
response	*Not accepted.* The objective of the requirements included in NPA 2010-10 was to ensure that wet lease-in and code-share with aircraft from third-country operators take place in a controlled environment ensuring an acceptable level of safety. The proposal did not include any requirement for wet lease-in and code-share of third-country registered aircraft of third-country operators that hadn't been met by complying with the applicable ICAO Standards. Nevertheless, the requirements for wet lease-in and code-share of third-country registered aircraft have been withdrawn from this proposal.

A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - a. Aircraft registered in a third country and subject to wet lease-in or code-share by a Community Operator p. 16-19

comment	*59* comment by: *Air Malta plc* With respect to paragraph 45 on page 16 to page 19 the requirements of Part-T in the case of a wet-lease and/or code-share arrangment are administratively very onerous and could make a wet-lease and/or a code-share project a non-starter. Table 1 proves that an equivalent safety case exists between the Basic Regulation and ICAO Annex 6 requirements' with a few minor differances. Since ICAO contracting states share mutual recognition, are obliged to carry out oversight of their operators and ICAO carries out oversight of ICAO contracting states it does not make sense to create another system to ensure compliance. Hence, as long as the non-EU ICAO contracted state where the aircraft is registered and/or the operator are not listed in the EU Blacklist such arrangements should be exempt from Part-T. Hence to ensure compliance with the Basic Regulation the following should suffice.

In the case of a non-EU registered aircraft the wet-lease or a code-share may be approved by the NAA subject to:

1. The country of registration being an ICAO contracting state.
2. Additional requirements that are identified in the Basic Regulation over and above ICAO Annex 6 requirements are included in the operator's system.
3. Neither the country of registration nor the operator is listed in the EU Blacklist.
4. An NAA's accepted EU operator oversight system is in place.

An NAA's accepted oversight system should be based on ICAO Annex 6 requirements and the additional requirements as mentioned in item 2 above. This oversight system could be IOSA or one which is equivalent to IOSA. Bearing in mind that FAA gives recognition to IOSA for code-share purposes which would lead to EASA harmonising with FAA in this respect - harmonisation of airworthiness with FAA being a objective of EASA.

The reality of most EU airlines follow the foregoing and hence should make a workable/feasible standard to address this matter.

response *Partially accepted*

The objective of the requirements included in NPA 2010-10 was to ensure that wet lease-in and code-share with aircraft from third-country operators take place in a controlled environment ensuring an acceptable level of safety. The comments raised on NPA 2010-10 with regard to wet lease-in and code-share, clearly indicated that the proposal was not providing enough flexibility to EU operators and it would represent substantial extra administrative burden.

In parallel to the NPA 2010-10 consultation and the comments-review period, the Regulation for organisation requirements for air operators was being finalised. Such Regulation included requirements for wet lease and code-share of aircraft from third-country operators that would meet the objectives set by NPA 2010-10 while providing adequate flexibility. Therefore, the Agency decided to delete from NPA 2010-10 the provisions referring to wet lease and code-share of aircraft from third-country operators.

The Agency acknowledges the importance of the IOSA programme. The operator needs to assess regularly the compliance of its code-share partner with the applicable ICAO requirements; for such process the operator may rely on other party assessment programmes or certification schemes.

A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - b. Complex motor-powered aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community p. 19-20

comment *50* comment by: *Transport Malta - Civil Aviation Directorate*

Clarification of what 'operator' means in 45 (a), (b) and (c) in the context of this NPA could be helpful for better understanding of the NPA.

response *Noted*

The 'operator' is defined in Article 3(h) of the Basic Regulation and this is the meaning throughout the whole document.

comment *126* comment by: *European Business Aviation Association (EBAA)*

Aircraft registered in 3rd country used by an operator established or residing in the Community

NPA 2010-10 proposes to impose Part M requirements upon operators of 3rd country registered aircraft established or residing in Europe (i.e. N-registered aircraft based in Europe).

This is a significant change as these aircraft are currently maintained in accordance with the requirements of the State of registry consistent with ICAO Annex 6 and 8.

This proposal imposes overlapping airworthiness and maintenance requirements upon operators of these aircraft as they must also maintain compliance with airworthiness requirements of state of registry. This would impose potential conflict in safety requirements and/or administrative processes and potentially significant economic and administrative burden. EASA/EC must resolve this conflict to ensure that each aircraft/operator is only subject to a single set of airworthiness requirements.

New requirements for CMPA include: contracting a CAMO-T and qualified maintenance organisation and aircraft shall have a TC issued or accepted by EASA

For an n-registered airplane, is a "qualified maintenance organisation" any maintenance provider acceptable to the NAA or FAA? (FAA-145, EASA-145, CAMO, A&P, maintenance engineer, etc)

Considering the new "Part T", what is the actual maintenance burden/impact upon operator of 3rd country registered CMPA aircraft? Is there opportunity for consideration of proportionality?

Some 3rd country registered aircraft in Europe do not have a TC issued or accepted by EASA. How will these be handled under the new requirements? Several aircraft make/models may not be available for sale into Europe without significant delays due to having to wait for the business case and performance of EASA certification/validation.

response *Not accepted*

The NPA 2010-10 proposes imposing Part-T requirements and not Part-M requirements to third-country registered aircraft.
The requirements included in Part-T for third-country registered aircraft are intended to ensure compliance with Article 5(1) and Article 8(1) of the Basic

Regulation, and to satisfy the need for adequate oversight on these aircraft expressed in recital 2 of the Basic Regulation.

For an N-registered aircraft a qualified maintenance organisation would be an organisation that meets T.A.501 requirements and is acceptable to FAA.

Third-country registered aircraft that do not have a TC issued or accepted by EASA will not meet the requirements of the Regulation and therefore they cannot be operated by EU operators.

A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - e. Aircraft other than complex motor-powered aircraft, registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes. p. 20

comment *127* comment by: *European Business Aviation Association (EBAA)*

New requirements for non-complex aircraft:

Does this proposal include all EASA accepted TCs (i.e. legacy NAA and JAA) and FAA TCs as being IAW ICAO Annex 8? Is FAA CofA considered to be IAW ICAO Annex 6?

For an n-registered airplane, is a "qualified maintenance organisation" any maintenance provider acceptable to the NAA or FAA? (FAA-145, EASA-145, CAMO, A&P, maintenance engineer, etc)

Considering the new "Part T", what is the actual maintenance burden/impact upon operator of 3rd country registered non-complex aircraft? Is there opportunity for consideration of proportionality?

response *Noted*

Yes, the proposal includes all TCs accepted by EASA.

Yes, if the standards for the issue of a certificate of airworthiness comply with Annex 8.

For an N-registered aircraft a qualified maintenance organisation would be an organisation that meets T.A.501 requirements and is acceptable to FAA.

The requirements of Part-T already take proportionality into account.

comment *128* comment by: *European Business Aviation Association (EBAA)*

<u>EASA flight training organization use of 3rd country registered aircraft (particularly those located in 3rd country such as U.S.)</u>

NPA 2010-10 proposes to impose Part M requirements upon EASA flight training organizations (ATO) 3rd country registered aircraft (i.e. U.S. based

EASA ATO that uses N-registered aircraft for flight training). NOTE: this issues is very similar

- Potentially significant impact upon EASA flight training organisations (ATO) located outside the EU.
- NOTE: the scope and type of impact is very similar to the FCL proposal for ATO located outside the EU
    - QUESTION: Recommendations along the same lines as FCL: through new Annex to US-EC BASA, establish provisions for EASA and FAA to recognize and accept aircraft operations and airworthiness of the state of registry for use in flight training operations

response *Noted*

The proposal has been significantly amended; nevertheless, the operation for commercial purposes of third-country registered aircraft by an operator under the oversight of any Member State will be subject to the applicable provisions of Part-T.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - A. Requirements applicable to Community commercial air transport operators establishing wet lease-in or code-share agreements with operators using third country registered aircraft - Options p. 28

comment *7* comment by: *British Airways*

The clarification with respect to codeshare operations is welcomed by British Airways, however it raises a number of questions that are not answered within the proposal.

British Airways already have a process for oversight of codeshares and although the details included in the NPA s could add value, we remain cautious whether the right approach is to add this to the Basic Regulation.

The regulation needs to consider and clarify how the community operator whose codeshare is placed on the third country operator can maintain ongoing compliance with the regulation. The British Airways preference is for the IATA Operational Safety Audit (IOSA) to be used as the independent tool, where the third country operator holds an IOSA.

The NPAs preferred options with regard to CAT operators when establishing wet-lease in or code-share agreements using third country registered aircraft is to impose ICAO equivalent requirements to Part M and to allow Community operators to establish those agreements so long as the third country operator is holding an AOC in accordance with ICAO Annex 6. The third country operators must manage the continuing airworthiness of the aircraft in accordance with ICAO Annex 6 and maintenance of those aircraft is performed by a qualified maintenance organisation meeting the requirements of ICAO Annex 6.

The proposal goes on to state that there is an expected increase in the level of safety by imposing Community operators to demonstrate the compliance of the third country operators with the ICAO requirements equivalent to those imposed by the Basic Regulation to them and the aircraft they operate.

1. Is there an expectation that this demonstration should be carried out retrospectively with regard existing code-share agreements?

2. If so will Community Operators be given a date by which this compliance should be completed by?

3. How should Community operators demonstrate that compliance has been met? Is this by the company confirming that they are in compliance with ICAO Annex 6 as defined as comparable to the Basic Regulation, or is a physical audit required?

4. What is the expectation with regard continuation of agreements? Is the use of IOSA an acceptable mechanism when demonstrating compliance?

5. Where Airlines are members of recognized alliance groups is the use of shared data acceptable when demonstrating compliance?

6. Once a community airline has provided evidence to demonstrate compliance of the third country operator and this is accepted by EASA, does a subsequent community airline wishing to codeshare have to conduct the same process to provides the same data?

response *Noted*

The Agency thanks British Airways for its comments.

The provisions included in Part-T for code-share of third-country registered aircraft from a third-country operator have been removed; the Agency considered that code-sharing could be effectively regulated by the provisions included in Part-ORO, which satisfy the objectives set by Part-T while providing adequate flexibility. In particular, ORO.AOC.115 imposes on the EU operator the need to verify and regularly assess that the third-country operator complies with the applicable ICAO Standards. For such process the operator may rely on other party assessment programmes or certification schemes.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - A. Requirements applicable to Community commercial air transport operators establishing wet lease-in or code-share agreements with operators using third country registered aircraft - Impacts p. 29

comment *79* 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* This RIA deals with wet lease-in and code-share and not with General Aviation.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - B. Requirements applicable to ATO operating third country registered aircraft to provide flight training - Impacts p. 30-31

comment	*80* 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* See answer to comment #81.

A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - C. Requirements applicable to operators of third country registered aircraft established or residing in the Community when used into, within or out of the Community - Impacts p. 31-32

comment	*81* 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 extension of the scope to third-country registered aircraft is a mandate of the regulator based on the need to ensure proper oversight on any aircraft operating within the territory of the EU. The Regulatory Impact Assessment of this NPA is not meant to justify this amendment, since it is a mandate of the Basic Regulation, but to highlight the effects.

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

comment	*25* comment by: *UK CAA* **Paragraph No:** I Draft Opinion (EC) No 2042/2003 – Article 1 (Objective and Scope), paragraph 2 **Comment:** This paragraph includes the common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft registered in a third country when used by an operator for which a Member State ensures oversight of operations, which includes wet leasing-in. **Justification:** Third Country registered aircraft being wet leased-in by a Community operator does not need to comply with all of Regulation (EC) No 2042/2003; it will only need to comply with Annex V (Part-T). **Proposed Text:** Amend paragraph 2a: "… aircraft registered in a third country ……, used by an operator for which **a** Member State ensures oversight of operations, **which shall comply with Annex V (Part-T)**…"
response	*Not accepted*

Based on the comments received and the development of the Regulation for organisation requirements for air operators, the Agency decided to delete from NPA 2010-10 the provisions referring to wet lease and code-share of aircraft from third-country operators.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Article 3 p. 34-35

comment *67* comment by: *CAA-NL*

2042/2003 Articles 3.5/6

Please align with our general comments on third country registered aircraft if this is accepted

response *Noted*

Please see answer to comment #64.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - PART-T - Contents p. 44-45

comment *28* comment by: *UK CAA*

Paragraph No: 118 - Part – T Contents, T.A.210

Comment:

States "Additional requirements for aircraft registered in a third country and subject to a wet lease-in agreement or code share agreement with the Community operator".

Dry leasing-in of third country registered aircraft should be included in Part-T

Justification:

See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).

Proposed Text:

"… requirements for aircraft registered in a third country and subject to a wet **or dry** lease-in agreement or…"

response | Partially accepted

The proposal has been amended to include requirements for dry lease-in of third-country registered aircraft by EU operators. These requirements are complementary to the provision for dry lease-in of ORO.AOC.110.

comment | *72* comment by: *CAA-NL*

Annex V

In general we would like to refer to our comments made to part OR on this subject with are cited here:

We do not agree that code-share operations should be considered as operations of Third Country Operators, meant under Article 9 of the Basic Regulation. Code-share agreements are marketing tools, by which the safety assessment of operations by the code-share partner is delegated to the EU operator. Subsequently, the entire Article OR.OPS.AOC.115 and the related AR article should be deleted.

In addition we also believe that the requirements for leasing agreements are going too far. These operations should, according to the other operations with aircraft falling under Article 4.1.d, only be required to comply with ICAO rules and Part TCO when entering EU airspace.

Consequential a number of articles within Part T should be deleted or amended in line with the requirements for 'plain TCO aircraft.

response | *Noted*

See answer to comment #64.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart A: General - T.A.101 Scope p. 45-46

comment | *29* comment by: *UK CAA*

Paragraph No: T.A.101 Scope, paragraph i

Comment:

Only refers to wet lease-in of third country registered aircraft. This should include dry leasing-in of third country registered aircraft.

See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110

(a) (1).

Justification:

As per above

Proposed Text:

"… aircraft registered in a third country and subject to a wet **or dry** lease-in agreement…"

response *Noted*

See answer to comment #28.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart A: General - T.A.102 Definitions p. 46

comment *30* comment by: *UK CAA*

Paragraph No: T.A.102 Definitions, paragraph (b)

Comment:

This text should reflect the same definition for wet lease agreement as specified in Article 2 (25) of Regulation (EC) No 1008/2008.

See CAA UK comment on definition of wet lease agreement submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.1) – paragraph Article 2 (Definitions), Paragraph 16 (Wet lease agreement).

Justification:

As per above.

Proposed Text:

"… 'wet lease agreement' means an agreement between **air carriers pursuant to which the aircraft is operated under the AOC of the lessor**."

response *Not accepted*

Based on the comments received and the development of the Regulation for organisation requirements for air operators, the Agency decided to delete from NPA 2010-10 the provisions referring to wet lease and code-share of aircraft from third-country operators.

comment *32* comment by: *UK CAA*

Paragraph No: T.A.102 Definitions, paragraph (b)

Comment:

This section should include a definition for dry lease agreement as specified in Article 2(24) of Regulation (EC) No 1008/2008.

See CAA UK comment on definition of wet lease agreement submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.1) – paragraph Article 2 (Definitions), Paragraph 3 (Dry lease agreement).

Justification:

As per above. Use established definition in Article 2(24) of Regulation (EC) No. 1008/2008.

Proposed Text:

Add new paragraph:" 'Dry lease agreement' means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee."

response *Partially accepted.*

The proposal has been amended to include the provisions for dry lease-in of foreign registered aircraft (although the text has not been amended as proposed).

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart B: Requirements - T.A.201 Common requirements p. 46-47

comment *4* comment by: *TNT AIRWAYS/NORBERT VANREYTEN*

T.A.101 does not mention the aircraft registered in the Community and subject to the wet lease agreement with another Community Operator.

EC 1008/2008 Article 13 (2) specifies " ..wet lease agreement under which the Community air carrier is the lessee of the wet-leased aircraft shall be subject to prior approval in accordance with applicable Community or national law on aviation safety".

It is not clear what the requirements are to approve a wet lease in agreement when a Community Operator wet lease in an aircraft registered from another Community Operator. For instance in Belgium, the operator wet leasing in an aircraft from another Community operator must perform a technical and operational audit in which the operator must check the compliance with EU-OPS and Part M of an other Community operator. We think that this is an unnecessary work. We propose to add the requirement for wet leasing in between community operators so that all Authorities apply the same rules. If EASA estimates that there are no additional requirements, we propose to state this in the regulation.

response	*Noted* The wet lease-in of aircraft between EU operators is not changed with this NPA, and it will be regulated by the Regulation for authority requirements for air operations.

comment	*83* comment by: *CAA-NL* T.A.201.4 The related requirement in Part M-G is 36 months. Please align.
response	*Not accepted* The Basic Regulation requires 24 months; there is no justification to impose 36 months.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart B: Requirements - T.A.220: Additional requirements for complex motor-powered aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community, complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes p. 48

comment	*130* comment by: *BMW AG* T.A. 220 1. Some Aircraft do not have a type certificate issued or validated by the Agency. There have been examples in the past concerning large business jets. In order to operate such aircraft these had to be registered outside the competency of the Agency. How will these be handled under the new requirements?
response	*Noted* Third-country registered aircraft that do not have a TC issued or accepted by the EASA will not meet the requirements of the Regulation and therefore they cannot be operated by EU operators.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart B: Requirements - T.A.230 Additional requirements for aircraft other than complex motor-powered aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community, and aircraft other than complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for non-commercial purposes

p. 49

comment *31* comment by: *UK CAA*

Paragraph No: T.A.230(3)

Comment:

Aircraft defined by T.A.230 are required to comply with T.A.201. T.A.230 3. conflicts with T.A.201 1.d. and Subpart C. This is not an additional requirement as the title indicates but is in conflict with T.A.201. This item should be removed and the revised wording for T.A.301 should be accepted.

Proposed Text:

T.A.301 - The aircraft maintenance programme, where required by the State of Registry, shall comply with the requirements established by the State of Registry

response *Partially accepted*

The proposal has been significantly amended and paragraph T.A.230 does no longer exist. Nevertheless, the comment has been taken into consideration and the conflicting requirement has been deleted.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart C: Maintenance programme - T.A.301 Contents of the maintenance programme

p. 49

comment *33* comment by: *UK CAA*

Paragraph No: T.A.301(1)

Comment:
T.A. 301 is too restrictive on specifying that the programme shall be based on information made available by the organisation responsible for the type design. Secondly, no reference is made to the programme being approved by the State

	of Registry as specified in T.A. 210(2). Furthermore, there is an inconsistency between T.A. 220 and 230 and T.A.210. The former specifies that the maintenance programme shall comply with the requirements established by the State of Registry, whereas T.A. 210 requires the maintenance programme to be approved by the State of Registry. **Justification:** ICAO Annex 6 Chapter 3.11, 3.11.2.3 recommends that the programme should be based on programme information made available by the State of Design, or by the organisation responsible for the type design. When accepting a maintenance programme approved by the State of Registry, or a programme which complies with the requirements of the State of Registry, there is no need to be prescriptive regarding the content. **Proposed Text:** The maintenance programme shall comply with the requirements established by the State of Registry.
response	*Partially accepted* The proposal has been significantly amended and paragraphs T.A.220 and T.A.230 no longer exist. The requirements for the maintenance programme in the final text (T.A.301) are in line with the commentator's proposal.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart E: Qualified maintenance organisation - T.A.501 Qualified maintenance organisation	p. 50

comment	*131* comment by: *BMW AG* T.A. 501 How does the definition of a qualified maintenance organization line up with regulations of a State of Registry that in non-commercial operations allow independent maintenance technicians and even pilots to work on and to release the aircraft after certain preventive maintenance tasks? (FAA)
response	*Noted* For commercial operations and complex motor-powered aircraft, point 8.g of Annex IV to the Basic regulation requires that the tasks specified in point 6.d (release to service) must be performed by an organisation qualified for the maintenance of such products, parts and appliances. For aircraft other than complex motor-powered aircraft not engaged in commercial operations, release to service by independent maintenance technicians or pilots (provided it complies with the States of Registry) would not be in conflict neither with the Basic Regulation nor with Part-T.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart G - T.A.708 Continuing airworthiness management p. 51-52

comment	*34* comment by: *UK CAA* **Paragraph No:** T.A.708 **Comment: 708** No reference is made to modifications and repairs. **Justification:** Reference to modification and repairs should be included to maintain consistency with M.A. 708. **Proposed Text:** Ensure that modifications and repairs are approved in accordance with the requirements of the State of Registry.
response	*Accepted* Text has been added.

comment	*132* comment by: *BMW AG* T.A. 708 1. This relates to the comment to T.A. 501: A non-commercial operator can manage aircraft registered within the Community and aircraft registered outside the Community within the same CAMO providing the CAMO will comply with this subpart G. For this the operator needs the approval of the competent authority. However there is an additional burden as in this point it is mentioned that "the aircraft is released to service by an organization in accordance with T.A.220 (3)(e)". Operating an FAA registered CMPA in non-commercial operations it can then no longer be released to service (for example after a tire change) by a 14CFR Part 65 A&P mechanic, but the operator must contract to a 14CFR Part 145 organization. This is in contradiction to and excess of the requirements of the State of Registry.
response	*Noted* See answer to comment #131.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart G - T.A.716 Findings p. 53

comment *35* comment by: *UK CAA*

Paragraph No: T.A.716

Comment:

Nothing has been included in the NPA requiring the operator, CAMO-T, or National Authority to pass any information back to the State of Registry should it be necessary. Where a CAMO-T has identified a level 1 finding the State of Registry should be informed.

Proposed Text:

"3. Where a level 1 finding has been identified the CAMO-T should inform the State of Registry."

response *Not accepted*

Such provision will be included in T.B.202. See comment #36.

B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION B – ADDITIONAL PROCEDURES FOR COMPETENT AUTHORITIES - Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart G - T.B.903 Findings p. 54-55

comment *36* comment by: *UK CAA*

Paragraph No: T.B.903

Comment:

Nothing has been included in the NPA requiring the operator, CAMO-T, or National Authority to pass any information back to the State of Registry should it be necessary. Where the National Authority has to take action as a result of a finding the State of Registry should be informed.

Proposed Text:

Where the National Authority has to take action against an aircraft, it should

	inform the State of Registry of its actions.
response	*Partially accepted* Text has been amended although not as proposed by the commentator. The requirement has been included in T.B.202.

B. DRAFT OPINION(S) AND/OR DECISION(S) - 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 p. 59-71

comment	*37* comment by: *UK CAA* **Paragraph No:** AMC M.A.706 (New) **Comment:** The CAMO-T approval can only be granted to organisations already holding a CAMO-G approval. 'M.A.706 Personnel requirements' would apply to both approvals as no additional requirements have been included with this NPA. The knowledge base required by the CAMO-T personnel is potentially far beyond that required for individuals under Part M subpart G, as the personnel involved must have an adequate knowledge of the foreign (Non-EU/EASA) airworthiness requirements for the aircraft being managed. A new item should be added under CAMO-T Subpart G to cover this extended knowledge requirement. **Proposed Text:** AMC M.A.706 add new item: "For organisations with CAMO-T approval, the qualified staff must be able to demonstrate adequate knowledge of the airworthiness requirements of the State of Registry for the aircraft managed."
response	*Partially accepted* T.A.706 (a) requirement has been added.

B. DRAFT OPINION(S) AND/OR DECISION(S) - II. Draft Decision AMC & GM - II.B. Acceptable Means of Compliance (AMC) for Annex V (Part T) to Regulation (EC) No 2042/2003 p. 72-73

comment	*3* comment by: *TNT AIRWAYS/NORBERT VANREYTEN* In order to demonstrate that the operating organisation is incompliance with the requirement of T.A. 201 and T.A.210, we propose to add in the AMC T.A.210 that an operating organisation that is registered as an ISOA operator is in compliance with T.A. 201 and T.A 210.
response	*Not accepted* The proposal has been significantly amended; the provisions for wet lease-in and code-share of aircraft registered in a third country have been deleted.

comment	*39* comment by: *UK CAA* **Paragraph No:** 169 AMC T.A. 210 (3) Comment: (i) Typo - AMC T.A. 210(3) should be T.A. 210(2) (ii) Recognising that ICAO Annex 6 Part I is for Commercial Air Transport, would this be applicable for a maintenance programme which is for an aircraft used by an ATO for training purposes? Justification: If ATO is considered to be Commercial Operations rather than CAT, making reference to ICAO Annex 6 part II, Chapter 2.6 or 3.8 may be more appropriate. Proposed Text: ICAO Annex 6 part I chapter 8 section 8.3, in the case of aeroplanes used for CAT, orICAO Annex 6 part II chapter 2.6/3.8 as applicable for aeroplanes used by ATO, or **ICAO Annex 6 part III chapter 6, section 6.3, in case of helicopter operations.**
response	Not accepted The proposal has been significantly amended and paragraph T.A.210 does no longer exist.

B. DRAFT OPINION(S) AND/OR DECISION(S) - II. Draft Decision AMC & GM - II.B. Acceptable Means of Compliance (AMC) for Annex V (Part T) to p. 76-78

Regulation (EC) No 2042/2003 - Appendix to AMC T.A.704 - Part 6

comment	*82* comment by: *CAA-NL* AMC T.A.704 On page 17 of the NPA it is stated that no equivalent ICAO requirement exists for the European pre-flight rules. Consequently a preflight chapter should be added to the procedures.
response	*Not accepted* Concerning pre-flight checks, the Agency reviewed the comparison table of the essential requirements of Section 6 and Section 8.g of Annex IV to the Basic Regulation with the requirements of ICAO Annex 6 and has concluded that pre-flight checks are not only considered common practice, but are based on ICAO Annex 6 Part I Standard 4.3.1 (a) and Part II Standard 2.2.3.1 for aeroplanes and Part III Standards 2.3.1 (a) and 2.4 (a) for helicopters. The Agency interprets that these ICAO Standards implicitly include pre-flight checks.

VIII. Resulting text — Draft Opinion (EC) No 2042/2003

Article 1 is replaced by the following:

Article 1
Objective and scope

This Regulation establishes:

1. Common technical requirements and administrative procedures to ensure the continuing airworthiness of aircraft registered in a Member State, including any component installation thereon, unless their regulatory safety oversight has been transferred to a third country and they are not used by an EU operator.
2. Common technical requirements and administrative procedures to ensure compliance with the essential requirements set forth in the Basic Regulation for continuing airworthiness of aircraft registered in a third country and components for installation thereon that are:
   a. operated by an operator having its principal place of business in a Member State, or
   b. operated into, out or within the EU by an operator established or residing in the EU.

Article 3 point 5 is added as follows:

5. The continuing airworthiness of aircraft referred to in Article 1(2) and components for installation thereon shall be ensured in accordance with the provisions of Annex V.

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

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 ~~r~~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) and if applicable Annex V (Part-T) 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), and if applicable, Annex V (Part-T) 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 to 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 MEMBERSTATE *]
Page … of …

(…)

EASA Form 14 Issue~~3~~4

VIIIb. Annex V (Part-T) to Regulation (EC) No 2042/2003 is added as follows:

Annex V

PART-T

Contents

T.1 Competent authority

For the purpose of this Annex, the competent authority shall be:

1. For aircraft referred to in T.A.101 (1), the authority designated by the Member State where the operator has its principal place of business.
2. For aircraft referred to in T.A.101 (2), the authority designated by the Member State where the operator resides or is established.
3. For the oversight of a continuing airworthiness management organisation as specified in T.A., Subpart G:
   (i) the authority designated by the Member State where that organisation has its principle place of business, or
   (ii) the Agency, if the organisation is located in a third country.

SECTION A — TECHNICAL REQUIREMENTS

Subpart A — General

T.A.101 Scope

This Annex establishes requirements to be complied with in order to ensure that continuing airworthiness is maintained in compliance with the essential requirements of Annex IV to Regulation (EC) No 216/2008 by aircraft registered in a third country and components for installation thereon that are:

1) operated by an operator having its principal place of business in a Member State,

2) operated into, within or out of the EU by an operator established or residing in the EU.

It also specifies the conditions to be met by the persons and organisations responsible for the management of the continuing airworthiness and maintenance of such aircraft.

Subpart B — Requirements

T.A.201 Common requirements

1. The operator is responsible for the airworthiness of the aircraft and it shall ensure that it is not operated unless:

(a) the aircraft has a type certificate issued or validated by the Agency;

(b) the aircraft is in an airworthy condition;

(c) the operational and emergency equipment necessary for the intended flight complies with the applicable EU regulations for Air Operators, airspace usage and operational requirements;

(d) the aircraft holds a valid certificate of airworthiness issued in accordance with ICAO Annex 8;

(e) the maintenance of the aircraft is performed in accordance with a maintenance programme which shall comply with the requirements of Subpart C.

(f) any defect or damage affecting the safe operation of the aircraft is rectified to a standard acceptable to the State of Registry;

(g) the aircraft complies with any applicable:

(i) airworthiness directive or continued airworthiness requirement issued or adopted by the State of Registry; and

(ii) any relevant mandatory safety information issued by the Agency, including airworthiness directives;

(h) a release to service is issued to the aircraft after maintenance by qualified persons and organisations in compliance with the State of Registry requirements. The signed release to service shall contain, in particular, the basic details of the maintenance carried out.

2. The aircraft shall be inspected, through a pre-flight inspection, before each flight, to determine whether it is fit for the intended flight.

3. All modifications and repairs shall comply with the airworthiness requirements established by the State of Registry

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 months:

(a) the total time in service (hours, cycles and calendar time, as appropriate) of the aircraft and all life-limited parts;

(b) current status of compliance with T.A.201 (1)(g) requirements;

(c) current status of compliance with the maintenance programme;

(d) current status of modifications and repairs together with appropriate details and substantiating data to demonstrate that they comply with the requirements established by the State of Registry.

T.A.205 Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft

1. The operator shall ensure that:
   (a) the tasks specified in T.A.201 are controlled by an organisation approved in accordance with Part-M Subpart G for the aircraft type and compliant with the additional requirements of T.A. Subpart G. For this purpose a contract shall be made in accordance with Appendix I to this Part;
   (b) the continuing airworthiness management organisation referred in (a) shall establish a contract with a qualified maintenance organisation pursuant to Subpart E, acceptable to the State of Registry for the maintenance and release to service of the aircraft.

2. For complex motor-powered aircraft not operated for commercial purposes, the operator shall:
   (a) declare to the competent authority its capability and means to comply with the applicable requirements specified in this Part prior to commencing operations. A declaration shall be made using the form contained in Appendix II to this Part;
   (b) notify the competent authority of any changes affecting its activity and its declaration through submission of an amended declaration.

Subpart C — Maintenance programme

T.A.301 Contents of the maintenance programme

1. The operator is responsible for the development and amendment of the maintenance programme and its compliance with the State of Registry requirements.
2. The maintenance programme shall be based on maintenance programme information made available by the organisation responsible for the type design.
3. The maintenance programme shall contain maintenance tasks and the intervals at which such tasks are to be performed, taking into account the anticipated use of the aircraft. In particular, the maintenance programme shall identify the tasks and intervals that have been specified as mandatory in the instructions for continued airworthiness.

Subpart D (Reserved)

Subpart E — Qualified maintenance organisation

T.A.501 Qualified maintenance organisation

The continuing airworthiness management organisation shall ensure that the qualified maintenance organisation complies with the following requirements:

(a) The organisation holds a maintenance organisation approval issued or acceptable to the State of Registry.

(b) The organisation has all the means necessary for the scope of work, such as: facilities, personnel, equipment, tools and material, documentation of tasks, access to relevant data and record-keeping, defined procedures and responsibilities and procedures.

(c) The organisation has established an occurrence reporting system in order to contribute to the aim of continuous improvement of the safety of products.

(d) The organisation has established an organisation's manual providing a description of all the procedures of the organisation.

Subpart G — Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart-G

T.A.701 Scope

This Subpart establishes the requirements to be met in addition to the requirements of Part-M Subpart G by an organisation approved in accordance with Part-M Subpart G to control the tasks specified in T.A.201 for aircraft referred to in T.A.101.

T.A.704 Continuing airworthiness management exposition

In addition to the requirements of M.A.704 (a), the exposition shall contain procedures specifying how the continuing airworthiness management organisation ensures compliance with Part-T Subpart G.

T.A.706 Personnel requirements

In addition to the requirements of M.A.706 (g), the M.A.706 (c) and (d) personnel shall have adequate knowledge of the applicable foreign regulations.

T.A.708 Continuing airworthiness management

Notwithstanding M.A.708, for aircraft managed under the requirements of Part-T the approved continuing airworthiness management organisation shall:

1. ensure that the aircraft is taken to a qualified maintenance organisation whenever necessary;
2. ensure that all maintenance is carried out in accordance with the maintenance programme;
3. ensure the application of the T.A.201 (1)(g) mandatory information;
4. ensure that all defects discovered during scheduled maintenance or reported are corrected by the contracted qualified maintenance organisation in accordance with the maintenance data acceptable to the State of Registry;
5. coordinate scheduled maintenance, the application of the T.A.201 (1)(g) mandatory information, the replacement of life-limited parts, and component inspection to ensure the work is carried out properly;
6. manage and archive the continuing airworthiness records required by T.A.201 (4);
7. ensure that modifications and repairs are approved in accordance with the requirements of the State of Registry.

T.A.709 Documentation

By derogation from M.A.709 (a) and (b), for every aircraft managed following the requirements of Part-T the approved continuing airworthiness management organisation shall hold and use applicable maintenance data acceptable to the State of Registry. This data may be provided by the operator, which shall be reflected in the contract specified in T.A.205

(1)(b). In such a case, the continuing airworthiness management organisation only needs to keep such data for the duration of the contract, except when required by point T.A.714.

T.A.711 Privileges

A continuing airworthiness management organisation approved in accordance with Part-M Subpart G may perform the tasks specified in T.A.708 for the aircraft referred to in T.A.101 provided that:

1. the continuing airworthiness management organisation has established procedures, approved by the competent authority, to ensure compliance with Part-T; and
2. a contract is made in accordance with Appendix I between the operator and the continuing airworthiness management organisation.

T.A.712 Quality system

1. In addition to the requirements of M.A.712, the continuing airworthiness management organisation shall ensure that the quality system monitors that all the activities under this Subpart are performed in accordance with the approved procedures.
2. An organisation managing the continuing airworthiness of aircraft referred to in T.A.101 is not eligible for using the provisions of M.A.712 (f).

T.A.714 Record-keeping

In addition to the requirements of M.A.714 (a), the organisation shall keep the records required by T.A.201 (4).

T.A.715 Continued validity of approval

In addition to the conditions of M.A.715(a) for an organisation managing the aircraft referred to in T.A.101 the approval shall remain valid subject to:

(a) the organisation complying with the applicable requirements of Part-T; and

(b) the competent authority being granted access to the organisation and aircraft to determine continued compliance with Part-T.

T.A.716 Findings

1. In addition to M.A.716 (a), a level 1 finding is any significant non-compliance with the Part-T requirements which lowers the safety standard and hazards seriously the flight safety.
2. In addition to M.A.716 (b), a level 2 finding is any non-compliance with the Part-T requirements which could lower the safety standard and possibly hazard the flight safety.
3. After receipt of notification of findings according to T.B.705, the holder of the continuing airworthiness management organisation approval shall define a corrective action plan and demonstrate corrective action to the satisfaction of the competent authority within a period agreed with this authority.

SECTION B — ADDITIONAL PROCEDURES FOR COMPETENT AUTHORITIES

Subpart A — General

T.B.101 Scope

This Section establishes the administrative requirements to be followed by the competent authorities in charge of the application and enforcement of Section A of this Part-T.

T.B.102 Competent authority

1. General

   A Member State shall designate a competent authority with allocated responsibilities as referred to in T.1. This competent authority shall establish documented procedures and an organisational structure.

2. Resources

   The number of staff shall be appropriate to carry out the requirements as detailed in this Section B.

3. Qualification and training

   All staff involved in Part-T activities shall comply with the requirement of M.B.102 (c).

4. Procedures

   In addition to the requirements of M.B.102 (d) the competent authority shall establish procedures detailing how compliance with this Part is accomplished.

T.B.104 Record-keeping

1. The requirements of M.B.104 (a), (b), (c) and (e) shall apply under this Part.
2. The minimum records for the oversight of each aircraft shall include, at least, a copy of:
   a) the aircraft's certificate of airworthiness,
   b) all relevant correspondence relating to the aircraft,
   c) details of any exemption and enforcement action(s),
   d) the declaration required by T.A.205 (2)
   e) the contracts required by T.A.205 (1).
3. All records specified in M.B.104 shall be made available, upon request, to another Member State, the Agency or the State of Registry.

T.B.105 Mutual exchange of information

The requirements of M.B.105 are applicable to this Part-T.

Subpart B — Accountability

T.B.201 Responsibilities

The competent authorities as specified in T.1 are responsible for conducting inspections and investigations, including aircraft surveys, in order to verify that the requirements of this Part-T are complied with.

T.B.202 Findings

1. A level 1 finding is any significant non-compliance with the Part-T requirements which lowers the safety standard and hazards seriously the flight safety.

2. A level 2 finding is any non-compliance with the Part-T requirements which could lower the safety standard and possibly hazard the flight safety.

3. If during aircraft surveys or by other means evidence is found showing non-compliance to a Part-T requirement, the competent authority shall take actions against the aircraft referred to in T.A.101, including taking measures as necessary, such as the grounding of the aircraft, to prevent the continuation of the infringement.

   a) For level 1 findings, the competent authority shall notify the State of Registry and require appropriate corrective action to be taken before further flight.

   b) For level 2 findings, the corrective action required by the competent authority shall be appropriate to the nature of the finding.

Subpart G — Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart G

T.B.702 Initial approval

In addition to the requirements of M.B.702, when the organisation's continuing airworthiness management exposition contains procedures to manage the continuing airworthiness of aircraft referred to in T.A.101, the competent authority shall establish that those procedures comply with Part-T and it shall verify that the organisation complies with the Part-T requirements.

T.B.704 Continuing oversight

In addition to the requirements of M.B.704, a relevant sample of aircraft referred to in T.A.101 managed by the Part-M Subpart G approved organisation shall be surveyed in every 24-month period.

T.B.705 Findings

In addition to the requirements of M.B.705, for organisations managing the continuing airworthiness of aircraft referred to in T.A.101 the competent authority shall also take actions when during audits, ramp inspections or by other means evidence is found showing non-compliance with the Part-T requirements.

Appendix I to Part-T: Continuing airworthiness management contract

1. The contract shall be developed taking into account the requirements of Part-T and those mandated by the State of Registry.
2. It shall contain, as a minimum, the:
   - aircraft registration and State of Registry;
   - Aircraft manufacturer/type/model;
   - aircraft serial number;
   - aircraft operator contact details;
   - continuing airworthiness management organisation name, address and approval reference;
   - State of Registry's regulation applicable to the aircraft.
3. It shall state the following:

The operator is responsible to ensure that the aircraft holds an aircraft maintenance programme acceptable to the State of Registry.

The operator entrusts to the approved organisation the performance of the T.A.708 continuing airworthiness management tasks, including the organisation of the maintenance of the aircraft according to the said maintenance programme in a qualified maintenance organisation.

According to the present arrangement, both signatories undertake to follow the respective obligations of this arrangement.

The operator certifies to the best of their belief that all the information given to the approved organisation concerning the continuing airworthiness of the aircraft is and will be accurate and that the aircraft will not be altered without prior approval of the approved organisation.

In case of any non-conformity with this arrangement, by either of the signatories, it will become null. In such a case, the operator will retain full responsibility for every task linked to the continuing airworthiness of the aircraft and will inform its competent authority within two weeks.

4. When an operator contracts an M.A. Subpart G approved continuing airworthiness organisation, the obligations of each party shall be shared as follows:

4.1. Obligations of the contracted Part-M Subpart G organisation:

1. have the aircraft type in the scope of its approval;
2. respect the conditions which are listed below to maintain the continuing airworthiness of the aircraft:
   (a) organise for all maintenance to be carried out by an qualified maintenance organisation;
   (b) organise for all T.A.201 (1)(g) mandatory information to be applied;
   (c) organise for all defects discovered during scheduled maintenance or reported by the owner to be corrected by a qualified maintenance organisation;
   (d) coordinate scheduled maintenance, the application of all T.A.201 (1)(g) mandatory information, the replacement of life-limited parts, and component inspection requirements;
   (e) inform the owner each time the aircraft is brought to a qualified maintenance organisation;
   (f) manage all technical records;
   (g) archive all technical records;
3. organise the approval of any modification and any repair to the aircraft in accordance with the State of Registry requirements;
4. inform the competent authority whenever the aircraft is not presented to the qualified maintenance organisation by the operator as requested by the approved organisation;
5. inform the competent authority whenever the present arrangement is not respected;
6. carry out all occurrence reporting mandated by the applicable regulations;
7. inform the competent authority whenever the present arrangement is denounced by either party.

4.2. Obligations of the operator:

1. have a general understanding of this Annex (Part-T);
2. provide the Part-M Subpart G organisation with the maintenance programme;
3. present the aircraft to the qualified maintenance organisation agreed with the Part-M Subpart G organisation at the due time designated by the Part-M Subpart G organisation;
4. not modify the aircraft without first consulting the Part-M Subpart G organisation;

5. inform the Part-M Subpart G organisation of all maintenance exceptionally carried out without the knowledge and control of the Part-M Subpart G organisation;
6. report to the Part-M Subpart G organisation through the logbook all defects found during operations;
7. inform the competent authority whenever the present arrangement is denounced by either party;
8. inform the competent authority and the approved organisation whenever the aircraft is sold;
9. inform on a regular basis the Part-M Subpart G organisation about the aircraft flying hours and any other utilisation data, as agreed with the Part-M Subpart G organisation;

Appendix II to Part-T: Operator's declaration

	DECLARATION OF COMPLIANCE WITH THE CONTINUING AIRWORTHINESS REQUIREMENTS
1	**OPERATOR** Name: Contact details:
2	**AIRCRAFT** Manufacturer/type/model: Registration: State of Registry: State of Registry's regulation applicable to the aircraft:
3	**CONTRACTED CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION** Company name and address (as per EASA Form 14): Approval reference (as per EASA Form 14):
4	**QUALIFIED MAINTENANCE ORGANISATION** Company name and address: Approval reference:
5	**STATEMENTS:** 1. The aircraft specified in block 2 complies with the requirements adopted by the State of Registry to ensure the continuing airworthiness of the aircraft. 2. The aircraft specified in block 2 shall comply with the applicable requirements of Annex V (Part-T) to Regulation (EC) No 2042/2003. 3. The operator has established a contract in accordance with Appendix I to Part-T with the continuing airworthiness management organisation specified in block 3 for the accomplishment of the tasks specified in T.A.201 associated with the continuing airworthiness in compliance with T.A.708.
6	The signatory confirms that the information contained in this declaration is correct. Date, name and signature of the operator's accountable manager
7	Any change that affects the information contained in this declaration will require a new declaration to be provided to the competent authority.

IX. Draft Opinion amending draft Air Operations Regulation

IX. Annex II (Part-ORO) is amended as follows:

Paragraph ORO.AOC.100 (c) is amended as follows:

(c) Applicants shall demonstrate to the competent authority that:

(1) they comply with all the applicable requirements of Annex IV to Regulation (EC) No 216/2008, this Annex and Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation, ~~as applicable~~;

(2) all aircraft operated have a certificate of airworthiness (CofA) in accordance with Regulation (EC) No 1702/2003; or are dry leased-in in accordance with ORO.AOC.110 (d), and

(3) its organisation and management are suitable and properly matched to the scale and scope of the operation.

Paragraph ORO.AOC.110 (b) is amended as follows:

(b) The operator certified in accordance with this Part shall only ~~wet~~ lease-in aircraft registered in a State or from an operator that is not subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

Paragraph ORO.AOC.110 (d) is amended as follows:

Dry lease-in

(d) An applicant for the approval of the dry lease-in of an aircraft registered in a third country shall demonstrate to the competent authority that:

(1) an operational need has been identified that cannot be satisfied through leasing an aircraft registered in the EU;

(2) the duration of the dry lease-in does not exceed seven months in any 12 consecutive month period; ~~and~~

(3) compliance with the applicable requirements of Regulation (EC) No 2042/2003 is ensured; and

(4) the aircraft is equipped in accordance with the EU regulation for Air Operations and Regulation (EU) No 1332/2011.

X. Acceptable Means of Compliance (AMC) for Annex V (Part-T) to Regulation (EC) No 2042/2003 are added as follows:

AMC T.A.201 (2) Pre-flight

Contents of the pre-flight inspection may be found in AMC M.A.301-1.

AMC T.A.205 (1)(b) Additional requirements

A contract should be established between the operator and the qualified maintenance organisation which should specify, in detail, the work to be performed by the qualified maintenance organisation. The Appendix to this AMC gives further details on the subject.
Both the specification of the work and the assignment of responsibilities should be clear, unambiguous and sufficiently detailed to ensure that no misunderstanding arises between the parties that could result in a situation where work that has a bearing on the airworthiness or serviceability of the aircraft is not or will not be properly performed.

AMC T.A. 501 Qualified maintenance organisation

A maintenance organisation in compliance with the requirements of ICAO Annex 6 Part I Section 8.7 should be considered a qualified maintenance organisation in accordance with this Section.

AMC T.A.501 (c) Qualified maintenance organisation

The occurrence reporting system should describe the procedures used by the organisation whereby information on faults, malfunctions, defects and other occurrences that cause or might cause adverse effects on the continuing airworthiness of the aircraft are transmitted to the operator, to the organisation responsible for the type design of that aircraft and to the State of Registry.

AMC T.A.704 Continuing airworthiness management exposition — Additional procedures

1. The purpose of the additional procedures is to describe the process and methods the M.A. Subpart G organisation should implement to manage the continuing airworthiness of the aircraft referred to in T.A.101.
2. In addition to the contents described in AMC M.A.704 the continuing airworthiness management exposition should comprise an additional chapter. Guidance on the specific contents may be found in Appendix to AMC T.A.704.

AMC T.B.702 (c) Issue of approval

The audit report form the EASA Form 13 should contain the adequate elements to allow the competent authority to verify compliance with the Part-T requirements. Guidance on the additional contents may be found in Appendix to AMC T.B.702.

Appendix to AMC T.A.205 (1)(b) Contracted maintenance

1. Maintenance contracts

The following paragraphs are not intended to provide a standard maintenance contract but a list of the main points that should be addressed, when applicable, in a maintenance contract between a continuing airworthiness management organisation and a qualified maintenance organisation.
When maintenance is contracted to more than one qualified maintenance organisations attention should be paid to the consistency of the different maintenance contracts.

2. Aircraft/engine maintenance

The following subparagraphs may be adapted to a maintenance contract that applies to aircraft and/or to engine maintenance.

3. Scope of work

The type of maintenance to be performed by the qualified maintenance organisation should be specified unambiguously. The contract should specify the aircraft type and should include the aircraft's registrations.
In case of engine maintenance, the contract should specify the engine type.

4. Locations identified for the performance of maintenance/certificates held

The place(s) where aircraft or engine maintenance, as applicable, will be performed should be specified. The certificate held by the qualified 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 a different location.

5. Subcontracting

The maintenance contract should specify under which conditions the qualified maintenance organisation may subcontract tasks to a third party (whether this third party is a qualified maintenance organisation or not). The continuing airworthiness management organisation may require the qualified maintenance organisation to obtain its approval before subcontracting a third party. Access should be given to the continuing airworthiness management organisation to any information (especially the quality monitoring information) about third parties subcontracted by the qualified maintenance organisation.

6. Maintenance programme

The maintenance programme under which the maintenance has to be performed has to be specified.

7. Quality monitoring

The terms of the contract should include a provision allowing the continuing airworthiness management organisation to perform a quality surveillance (including audits) upon the qualified maintenance organisation. The maintenance contract should specify how the results of the quality surveillance are taken into account by the qualified maintenance organisation.

8. Instructions for continued airworthiness

The instructions for continued airworthiness and other additional airworthiness data used for the purpose of this contract. This may include, but may not be limited to:

— maintenance programme,

— Airworthiness Directives,

— major repairs/modification data,

— aircraft maintenance manual,

— aircraft IPC,

— wiring diagrams,

— troubleshooting manual,

— Minimum Equipment List,

— operator's manual,

— Flight Manual,

— engine maintenance manual,

— engine overhaul manual.

9. Incoming conditions

The contract should specify in which condition should the continuing airworthiness management organisation send the aircraft to the qualified maintenance organisation.

10. T.A.201 (1)(g) mandatory information, repairs and modifications

The contract should specify what information the continuing airworthiness management organisation is responsible to provide to the qualified maintenance organisation and, in addition, the type of information the qualified maintenance organisation should provide to the continuing airworthiness management organisation in return.

11. Hours & cycles control

If required, the procedure followed by the continuing airworthiness management organisation to notify the current flight hours and cycles to the qualified maintenance organisation.

12. Service life-limited components

The qualified maintenance organisation will have to provide the continuing airworthiness management organisation with all the necessary information about the service life-limited components removal/installation so that the continuing airworthiness management organisation may update its records.

13. Supply of parts

The contract should specify whether a particular type of material or component is supplied by the continuing airworthiness management organisation or by the qualified maintenance organisation, which type of component is pooled, etc. The contract should clearly state that it is the competence and responsibility of the qualified maintenance organisation 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.

14. Scheduled maintenance

For planning scheduled maintenance checks, the supporting documentation to be given to the qualified 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.

15. Unscheduled maintenance/defect rectification

The contract should specify to which level the qualified maintenance organisation may rectify a defect without reference to the 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 continuing airworthiness management organisation.

16. Deferred tasks

The use of the operator's MEL and the relation with the continuing airworthiness management organisation in case of a defect that cannot be rectified should be addressed.

17. Test flight

If any test flight is required after aircraft maintenance, the contract should specify which procedures should be followed.

18. Release to service documentation

The release to service has to be performed by the qualified maintenance organisation in accordance with the procedures described in its organisation's manual. The contract should, however, specify which supporting forms have to be used and the documentation the qualified maintenance organisation should provide to the continuing airworthiness management organisation 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.

19. Exchange of information

Each time exchange of information between the continuing airworthiness management organisation and the qualified 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.

20. Meetings

For the competent authority to be satisfied that a good communication system exists between the continuing airworthiness management organisation and the qualified maintenance organisation, the terms of the maintenance contract should include the provision for a certain number of meetings to be held between both parties.

— Contract review

Before the contract is applicable, it is very important for the continuing airworthiness management organisation and the qualified maintenance organisation to meet in order to be sure that every point leads to a common understanding of the duties of both parties.

— Work scope planning meeting

Work scope planning meetings may be organised so that the tasks to be performed may be commonly agreed.

— Technical meeting

Scheduled meetings may be organised in order to review on a regular basis technical matters such as Airworthiness Directives, future modifications, major defects found during maintenance check.

— Quality meeting

Quality meetings may be organised in order to examine matters raised by the continuing airworthiness management organisation quality surveillance and to agree upon necessary corrective actions.

Appendix to AMC T.A.704

PART 6 — CONTINUING AIRWORTHINESS PROCEDURES FOR AIRCRAFT REFERRED TO IN T.A.101

6.1 CONTINUING AIRWORTHINESS MANAGEMENT

6.1.1 Aircraft continuing airworthiness records system

a) Aircraft continuing airworthiness record system

This section should describe the system used by the organisation to manage the aircraft's continuing airworthiness records.

b) MEL procedures

This paragraph should describe the specific responsibilities of the organisation and the aircraft operator with regard to the issue, update, use and management of the MEL, if applicable to the aircraft.

6.1.2 Aircraft maintenance programme

This paragraph should describe the specific responsibilities of the organisation and the operator with regard to the development, update, approval or acceptance and management of the maintenance programme.

6.1.3 Time and continuing airworthiness records, responsibilities, retention, access

a) Hours and cycles recording

(The recording of flight hours and cycles is essential for the planning of maintenance tasks. This paragraph should explain how the continuing airworthiness management organisation has access to the current flight hours and cycles information and how it is processed through the organisation.)

b) Records

(This paragraph should give in detail the type of company documents that are required to be recorded and what are the recording period requirements for each of them. This can be provided by a table or series of tables that would include the following:

— family of document (if necessary),
— name of document,
— retention period,
— responsible person for retention,
— place of retention.)

c) Preservation of records

(This paragraph should set out the means provided to protect the records from fire, floods, etc., as well as the specific procedures in place to guarantee that the records will not be altered during the retention period [especially for the computer record].)

d) Transfer of continuing airworthiness records

(This paragraph should set out the procedure for the transfer of records, in case of transfer of the aircraft to another organisation. In particular, it should specify which records have to be transferred and who is responsible for the coordination [if necessary] of the transfer.)

6.1.4 Accomplishment and control of Airworthiness Directives and mandatory safety information issued by the Agency.

This paragraph should demonstrate that there is a comprehensive system for the management of airworthiness directives and mandatory safety information issued by the Agency (ADs). It may for instance include the following subparagraphs:

a) AD information

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

b) AD decision

(This paragraph should explain how and by whom the AD information is analysed and what kind of information is provided to the contracted maintenance organisations in order to plan and to perform the AD. This should as necessary include a specific procedure for emergency AD management.)

c) AD control

(This paragraph should specify how the organisation manages to ensure that all the applicable ADs are performed and that they are performed on time. This should include a close loop system that allows verifying that for each new or revised AD and for each aircraft:

1. the AD is not applicable, or
2. if the AD is applicable:
   - the AD is not yet performed but the time limit is not overdue,
   - the AD is performed, and any repetitive inspection is identified and performed.

This may be a continuous process or may be based on scheduled reviews.)

6.1.5 Modifications and repairs standards

This paragraph should describe the specific responsibilities of the organisation and the aircraft operator with regard to the management and approval of any modification and repair before embodiment.

6.1.6 Defect reports

a) Analysis

(This paragraph should explain how the defect reports provided by the contracted maintenance organisations are processed by the continuing airworthiness management organisation. Analysis should be conducted in order to give elements to activities such as maintenance programme evolution and non-mandatory modification policy.)

b) Liaison with manufacturers and regulatory authorities

(Where a defect report shows that such defect is likely to occur to other aircraft, a liaison should be established with the manufacturer and the certification competent authority so that they may take all the necessary actions.)

c) Deferred defect policy

(Defects such as cracks and structural defects are not addressed in the MEL and CDL. However, it may be necessary in certain cases to defer the rectification of a defect. This paragraph should establish the procedure to be followed in order to ensure that the deferment of any defect will not lead to any safety concern. This will include appropriate liaison with the manufacturer.)

6.2 CONTRACTED MAINTENANCE

6.2.1 Monitoring that all maintenance is carried out by a qualified maintenance organisation

This paragraph should set out a procedure to review that the maintenance organisation is qualified for the maintenance being performed on the aircraft and that the maintenance organisation is acceptable to the State of Registry. If necessary, the procedure may be subdivided as follows:

a) aircraft maintenance,

b) engines,

c) components.

Appendix to AMC T.B.702 Additional contents of the EASA Form 13

- Additional elements to be included in the EASA Form 13, Part 2

Part 2T: T.A. Subpart G — Compliance audit review											
Para.	Subject										
T.A.704	Continuing airworthiness management exposition (see Part 3)										
T.A.706	Personnel requirements										
T.A.708	Continuing Airworthiness Management										
T.A.709	Documentation										
T.A.711	Privileges										
T.A.712	Quality system										
T.A.714	Record-keeping										
T.A.716	Findings										
T.A.201	Common requirements										
T.A.205	Additional requirements										

- Additional elements to be included in the EASA Form 13, Part 3

PART 3: Compliance with M.A. Subpart G — Continuing Airworthiness Management Exposition (CAME)		
Part 6	**CONTINUING AIRWORTHINESS PROCEDURES FOR AIRCRAFT REFERRED TO IN T.A.701**	
Part 6.1	CONTINUING AIRWORTHINESS MANAGEMENT	
6.1.1		Aircraft continuing airworthiness record system utilisation
6.1.2		Aircraft maintenance programmes
6.1.3		Time and continuing airworthiness records, responsibilities, retention, access
6.1.4		Accomplishment and control of Airworthiness Directives and mandatory safety information issued by the Agency
6.1.5		Modifications and repairs standards
6.1.6		Defect reports
Part 6.2	CONTRACTED MAINTENANCE	
6.2.1		Monitoring that all maintenance is carried out by a qualified maintenance organisation

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