

CRD - NPA 07/2004 - Explanatory Note

Comment

Response

General Comments

Paragraph

Cmt. 1 / Steve Sells, Thomas Cook Airl UK Ltd

Please be advised of the following comments

1. The principle of the NPA is supported .
2. There is a typographical error in the new paragraph 6 - the word paragraph is spelt incorrectly as 'pargagraph' on Page 3 and 6.
3. In paragraph 13 of the NPA it is stated that 'Comments will not be considered if the form provided for this purpose is not used' - there is no Comment form provided with the NPA.
4. NPA Page 2 Para 5 - 4th and 5th bullet points are identical - should point 5 refer to 145.A.30 (j) (2) ?
5. Member States who elect to make use of the provisions contained within Article 7 are required to notify the Agency and the Commission and this is published within the Agency website. Could the Agency consider including within its website, lists of those instances where the Agency use the provisions of Article 7 of the Regulation once revised?

Best Regards
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 Airworthiness & Planning Manager
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 Phone 0161 489 5774 (Intl 00 44 161 489 5774)

Cmt. 5 / Mitsubishi Heavy Industries, Ltd.

We, Mitsubishi Heavy Ind. as foreign organization, strongly request to incorporate this amendment to Article 7.

Cmt. 6 / Toshi Nakamura Japan

By adding the word "the Agency" to Article 7(4), Article 7 is applied to the foreign organisations with the Agency's decision. Therefore, we foreign organisation appreciate this NPA very much.

1. Noted
2. Text changed.
3. The commenter sent the comments in the form provided with the NPA.
4. Text changed.
5. The publication of opt-outs to Regulations (EC) n° 2042/2003, which is based on the philosophy of transparency will be done in due time and once the Regulation itself has been modified.

Noted.

Noted.

Comment	Response
Cmt. 7 / Aerospace Industries Association	
<p>The Aerospace Industries Association (AIA), founded in 1919, represents the United States' major manufacturers of commercial and business aircraft, helicopters, aircraft engines, and related components and equipment. AIA members have worldwide networks of repair stations and maintenance organizations, including those with EASA and JAA certifications to Part-145. AIA is please to have this opportunity to respond to this Notice of Proposed Amendment (NPA) No 7/2004.</p> <p>AIA is in complete agreement with the Draft Opinion of the European Aviation Safety Agency for a Commission Regulation amending Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organizations and personnel involved in these tasks. AIA appreciates the harmonization and nondiscriminatory nature of this Draft Opinion, which recognizes that without such an amendment, maintenance organizations in non-Member States would be put at an inequitable competitive disadvantage as compared to the flexibility granted to maintenance organizations within Member States.</p> <p>The flexibility inherent in Article 7, "Entry into Force", of Regulation EC No 2042/2003, which granted to only Member States the discretion to postpone the entry into force of certain provisions of that regulation, must be granted to the Agency as the competent authority for non-Member State Part-145 maintenance organizations. This will create a nondiscriminatory and equitable situation. Therefore, AIA fully supports a decision that would allow the Agency to make use of the opt-out provisions of this article. The following provisions of Annex II (Part-145) are affected and the opt-out periods would extend until not later than:</p> <ol style="list-style-type: none"> 1. 28 September 2006 <ul style="list-style-type: none"> • 145.A.30(e), human factors elements, • 145.A.30(g), as applicable to large aircraft with a maximum take-off mass of more than 5700 kg, • 145.A.30(h)(1) as applicable to large aircraft with a maximum take-off mass of more than 5700 kg, • 145.A.30(j)(1) Appendix IV, and • 145.A.30(j)(1) Appendix IV 2. 28 September 2008 and the provisions of: <ul style="list-style-type: none"> • 145.A.30(g), as applicable to large aircraft with a maximum take-off mass of 5700 kg or below, • 145.A.30(h)(1)), as applicable to large aircraft with a maximum take-off mass of 5700 kg or below, and • 145.A.30(h)(2) <p>Such an amendment must be made before 28 November 2004 (end of the transition period included in the Commission Regulation for closing findings related to the differences between Part 145 and the former applicable rules based on JAR145) to avoid several foreign organizations to be in an illegal situation beyond that date. The detail requested changes are found in Section II. 9 of the Draft Opinion of the European Aviation Safety Agency for a Commission Regulation amending Commission Regulation (EC) No 2042/2003.</p> <p>AIA and its membership thank you for this opportunity to comment on this important matter</p>	<p>Noted.</p>

Comment	Response
<p>Cmt. 8 / All Nippon Airways Co., Ltd</p> <p>By way of derogation from paragraph 1 and 2, Member States and the Agency may elect not to apply.</p> <p>We are in complete agreement with this NPA. We have already set up the Human Factors training, but some parts of the training lack elements of the GM 145.A.30 (e). We need more time for improving it. We are making the training and procedures based on like a guidance material of CAP 716 "Aviation Maintenance Human Factors". We also need to apply to get the approval from the LBA. Therefore, we hope strongly this NPA can be applied to Foreign Maintenance Organization same as Member State until September 28, 2006.</p>	<p>Noted.</p>
<p>Cmt. 9 / JAA</p> <p>We wish to express our support for the proposed amendments.</p>	<p>Noted.</p>
<p>Cmt. 10 / CAA, UK</p> <p>CAA-UK agrees with NPA.</p>	<p>Noted.</p>

Comment**Response****II.9****Paragraph****Cmt. 2 / Gaggiotti Giuseppe, Alitalia Airlines**

Paragraph 3 and 5 of Article 7 of the Regulation 2042 / 2003

Change Article 3 in:

"By way of derogation from paragraph 1 and 2 the entry into force of the following provisions, will be:"

The word "untill" should be changed with "on" in sub-paragraph 3a, 3b, 3c, 3d, 3e, 3f.

Article 5 will be deleted.

Regulation 2042/2003 has already entered into force. These opt-out provisions are already implemented by the Member States. It is therefore impossible to modify the text as requested. Furthermore, the opt-out process allows for a progressive implementation of these rules, helping to alleviate the burden on industry and allowing for certain provisions already in force in certain countries not to be stopped.

Text not changed.