

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
66.A.70 and 66.B.130	G	CAA, Denmark	121	Commission Regulation Article 5.2 last line. Shall be deemed to have been issued under this Regulation. Part 66.B130(a) only conversion in accordance with a conversion report. Review Board report prepared under JAA system seems not to be accepted under part 66.B.130(a). New Report to be prepared for each applicant. In our opinion Commission Regulation Article 5 accept JAR 66 licences without new conversion report.Do Commission Regulation (EC) No. .../. . Article 5 Certifying Staff 5.2. Accept JAR 66 issued licenses directly without a new comparison report as laid down in part 66.B130.		Reports may be issued on the basis of the JAR 66 Review Board. No text change.
Article 1 para. 2	G	Norwegian air ambulance	181	The reference to Annex II of the EASA regulation should be clarified. If the regulation in question is EC Regulation 1592/2002, this should be written. Proposed text amendment:referred to in Annex II of the EC Regulation 1592/2002.		Text changed.
Article 4 para. 2	G	Austro Control	81	Change the text in Article 4 item 2 to read as follows: "Approvals issued according JAR-145 by the Member State..."	It should be made clear that only JAR-145 maintenance organisations (but not maintenance organisations approved according national rules different from JAR-145!!) shall be deemed to have been issued in accordance with this Regulation.	Text changed.
Article 4 para. 2	G	IVW	99	CAA-NL suggests starting article 4.2. with the following words: Maintenance organisation approvals..... to bring this regulation in line with the regulation on certification and production etc article 4.3.	To bring this regulation in line with the regulation on certification and production etc article 4.3.	Text changed, but not as proposed.
Article 5 and Article 7	G	Swedish CAA	105	It is unlikely that Agency guidance material and procedures for all aspects of these new regulations will be available on 28 September 2003, therefore it is suggested that following general text is introduced in both regulations : "For the application of this regulation, in the absence of guidance material and procedures published by the Agency, corresponding guidance material and procedures published by the JAA or a Member State applies."		Consultation on AMC and Guidance Material closed on 20 August 2003.
Article 6 para. 1 (a), (b) and (c)	G	Swiss FOCA	029	To our understanding should read as follows in order to be coherent with the corresponding implementing rules and AMC: "1. Organisations involved in the training of personnel referred to in Article 5 shall be approved in accordance with Annex IV to be entitled: (a) to conduct recognised basic training courses, and/or; (b) to conduct recognised type training courses, and or; (c) to conduct examinations, and or; (d) to issue training		Text changed.

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				certificates."		
Article 6 para. 2	G	Austro Control	081	Change the text in Article 6 paragraph 2 to read as follows: "Any training organisation approval issued by a Member State in accordance with the JAR-147 requirements and procedures and..."	Article 6 deals with training organisations and not with maintenance organisations It should be made clear that only JAR-147 training organisations (but not training organisations approved according national rules different from JAR-147!!) shall be deemed to have been issued in accordance with this Regulation.	Text changed.
Article 6 para. 2	G	IVW	099	CAA-NL suggests starting article 6.2. with the following words: Maintenance training organisations approvals..... ..	To bring this regulation in line with the regulation on certification and production etc article 4.3.	Text changed.
Article 6, para. 2	G	Swiss FOCA	029	It should read as follows: "Any maintenance <u>training</u> organisation approval issued by a Member State..."		Text changed.
Article 7	G	CAA Finland	157	The Regulation, Annexes and AMC-material should be treated as an entirety. Because a full influence of the norms cannot be evaluated without AMC-material, it is proposed that the adoption of all other Parts than Part 145 for commercial air transport and Part 21 should be postponed until a full regulatory process, including a Regulatory Impact Assessment, has been completed. See full comment and rationale in the cover letter 46/06/03 dated 17.07.2003.		See note on consultation.
Changes resulting from the introduction of Part M (1)	G	ERA	79	Can the Agency explain why an engineer cannot certify at the age of 18?		The minimum age is 18, except in the Part-145 environment. No text change.
Changes resulting from the introduction of Part M (2)	G	ERA	79	The second line of this paragraph mentions "based maintenance". I believe this should be amended to read "base maintenance".		Exact reference missing.
cover letter 1.2.2	G	ERA	79	This paragraph states "It is therefore seen as a mature proposal reflecting views and opinions expressed by the European aviation community". If this is indeed the case, can the Agency please advise why none of the comments made by ERA or a number of our Members have appeared in the Comment Response Documents?		All the comments made by ERA received by the Agency have been integrated in the CRD.

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EN 2.1	G	Michael Loges, Rolls-Royce, Germany	51	In accordance with the applicable ICAO recommendations the operator is responsible for the airworthiness of an aircraft. He may also be the owner (See also 2.1.3 (a) and M.A.201 (h)). Change owner into operator in the whole text and delete second sentence of 2.1.2 (a).		ICAO Annex 6 establishes that the owner is responsible in the case of general aviation.
EN 1.2.2	G	Martin Ambrose ERA	79	This paragraph states "It is therefore seen as a proposal that takes into account views and opinions expressed by the European aviation community". If this is indeed the case, can the Agency please advise why none of the comments made by ERA or a number of out Members have appeared in the Comment Response Documents?		All ERA comments have been analysed and responded in accordance with JAA procedures.
EN 2.1.2	G	CAA Norway	131	<u>We do not agree that any Part 66 License holder could issue a CRS. This person may be 18 years old with very limited experience.</u>		ICAO Annex 1 recommendation.
EN 2.1.2 (c)	G	Michael Loges, Rolls-Royce, Germany	51	Large aircraft and its components must be managed by a Part 145 approved organization. Delete 2 nd sentence.		Comment noted.
EN 2.1.2 (d)	G	Michael Loges, Rolls-Royce, Germany	51	After maintenance, the approved maintenance organization must ensure that a ...		Comment noted.
EN 2.1.2 (e)	G	Martin Ambrose, ERA	79	This paragraph states that "Every year, or every 3 years for aircraft in a "controlled environment"" the aircraft must be subject to the Airworthiness Review process. However, in reading Part M, this is not the case. Paragraph M.A.902(a) states the validity of the Airworthiness Review Certificate is one year which, for an aircraft that has remained within a controlled environment, may be extended twice. It is therefore felt that the statement in this paragraph is misleading and should be amended to reflect the conditions under which the validity may be extended.		Comment noted.
EN 2.1.3	G	Ralph Schütte, Germany	150	Release to service: After maintenance, the operator must ensure that a certificate of release to service is issued for the maintenance requested by a appropriately approved Part-145 maintenance organisation.	Argument: It is unrealistic to ask the operator to ensure for each and every maintenance activity that the persons involved are authorized; the operator may rely on the quality management system and the approval of the Part-145 maintenance organisation ensuring, that all personnel must hold an appropriately Part-66 license and a corresponding authorisation within that maintenance organisation.	Existing JAR requirements.

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EN 2.1.3	G	Ralph Schütte, Lufthansa Germany	25	Release to service: After maintenance, the operator must ensure that a certificate of release to service is issued for the maintenance requested by a appropriately approved Part-145 maintenance organisation.	It is unrealistic to ask the operator to ensure for each and every maintenance activity that the persons involved are authorized; the operator may relay on the quality management system and the approval of the Part-145 maintenance organisation ensuring, that all personnel must hold an appropriately Part-66 license and a corresponding authorisation within that maintenance organisation.	Existing JAR requirements.
EN 2.1.3 (a)	G	Michael Loges, Rolls-Royce, Germany	51	Delete last sentence: The aircraft must be ... because it doubles with 2.1.3 (c).		Comment noted.
EN 2.1.3 (b)	G	Martin Ambrose, ERA	79	This paragraph contains a spelling error. "cirworthiness" should be replaced with "airworthiness".		Comment noted.
EN 2.1.3 (d)	G	Lufthansa AG Germany	21	(d) Release to service: After maintenance, the operator must ensure that a certificate of release to service <u>is issued for the maintenance requested by a appropriately approved Part-145 maintenance organisation</u>	It is unrealistic to ask the operator to ensure for each and every maintenance activity that the persons involved are authorized; the operator may relay on the quality management system and the approval of the Part-145 maintenance organisation ensuring, that all personnel must hold an appropriately Part-66 license and a corresponding authorisation within that maintenance organisation.	Existing JAR requirements.
EN 2.1.3 (d)	G	Michael Loges, Rolls-Royce, Germany	51	After maintenance, the approved maintenance organization must ensure, that a certificate of release to service is issued by an authorized person.		Existing JAR requirements.
EN 2.1.3 (e)	G	Martin Ambrose, ERA	79	This paragraph states that "Every year, or every 3 years for aircraft in a "controlled environment"" the aircraft must be subject to the Airworthiness Review process. However, in reading Part M, this is not the case. Paragraph M.A.902(a) states the validity of the Airworthiness Review Certificate is one year which, for an aircraft that has remained within a controlled environment, may be extended twice. It is therefore felt that the statement in this paragraph is misleading and should be amended to reflect the conditions under which the validity may be extended.		Comment noted.
EN 2.1.3 (e)	G	Michael Loges, Rolls-Royce, Germany	51	3 years renewable period for an airworthiness review certificate is not in time with the applicable ICAO recommendations.		No period incited in ICAO, therefore 3 years is not incompatible.

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EN 2.1.3 (e)	G	Alain Picard, AECMA	45	<p>The proposed regulation introduces an airworthiness review which includes in addition to the usual AD and maintenance records review, a physical check of the airplane. The anticipated interval for this review being one year, or up to three years if the maintenance is done in one controlled organization. This disposition is totally irrelevant on our business airplanes, considered as commercial air transport, if they are operated under JAR OPS1.</p> <p>a) The operators do not have like the airlines one maintenance organization which performs all the maintenance tasks. Due to the nature of our operations, maintenance is performed in different places by different organizations depending upon aircraft geographical location, Service center availability, or pricing. It means that in most cases, the yearly review will be required.</p> <p>b) Unlike the airlines / transport aircraft, our business fleet operates an average of 300 to 500 hours per year. Therefore, our approved maintenance program is of the low utilization type with</p>		See Part-M CRD.
EN 3	G	Michael Loges, Rolls-Royce, Germany	51	2.1 Section A should read 3.1 Section A.		Comment noted.
EN 3 (f)	G	Michael Loges, Rolls-Royce, Germany	51	Maintenance Organizations in general should be covered by Part 145 as it is today under JAR 145 with some simplified requirements for organizations maintaining only small aircraft. This avoids double regulation of similar contents.		Parts left separated to facilitate bilateral negotiations.
EN 3 (f)	G	Michael Loges, Rolls-Royce, Germany	59	Maintenance Organizations in general should be covered by Part 145 as it is today under JAR 145 with some simplified requirements for organizations maintaining only small aircraft.		Parts left separated to facilitate bilateral negotiations.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				This avoids double regulation of similar contents. (see also Part 145, 145.A.10).		
EN 3 (h)	G	Michael Loges, Rolls-Royce, Germany	51	Subpart H is not needed because a reference to Appendix I of JAR 145 would be sufficient and if Subpart F is deleted, it is not needed. It should also avoid double regulation of same contents.		Parts left separated to facilitate bilateral negotiations.
Explanatory Memorandum V b)	G	CAA Finland	157	The Authorities should be given for safety or administrative reasons the right to issue certifications and licenses also for limited time period, at least during the designated transition times, instead of the unlimited duration of certifications and licenses.		There is no safety reason for having a timelimited certificate, Under the EU system; it is not common that certificates are time limited.
Explanatory Note to Annex II 1.2.	G	European Regional Airlines Assoc. (ERA)	079	This paragraph contains an error. The word "paragraphgraph" in the last line should be replaced with "paragraph".	typo	Comment noted.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	G	Martinair Maintenance & Engineering	61	<p>1. We ask if occurrence reporting should be applicable for the G-1 organisation. If an occurrence is found the Operator is responsible for reporting it according JAR-OPS.</p> <p>2. Occurrence reporting should be applicable for the ECAR M-F maintenance organisations.</p> <p>3. We ask you to consider the centralisation of regulations on occurrence reporting in ECAR 20-8 and than require occurrence reporting according ECAR 20-8 in ECAR M, 21, 145 and JAR-OPS.</p>		<p>Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation sets up an obligation for the Member States to "require that occurrences ... are reported to the competent authorities by ...</p> <p>a) a person who carries on the business of ... maintaining or modifying a turbine-powered or a public transport aircraft;</p> <p>c) a person who signs a certificate of maintenance review, or of the release to service in respect of a turbine-powered or a public transport aircraft, or any equipment or part thereof, under the oversight of a Member State;</p> <p>f) A person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities for which the member State ensures responsibility."</p> <p>The term "occurrence" means "an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious</p> <p>(accident and serious incident are defined in Article 3(a) and (k) of Directive 94/56/EC).</p> <p>The non-exhaustive list of occurrences detailed in Annex I and Appendix I to Annex I of the Directive 2003/42/EC are not contradictory to the provisions of this Part. No text change.</p>

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General	G	Martinair	61	EC 1592/2002 is European law which is positioned above national law. The JAR's are declared effective in the national law and are of equal level to national law. On which level the ECAR Regulations are going to be is not clear, this also regarding situations in Non-EU JAA-countries like Switzerland.		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General	G	Martinair	61	In the JAA situation the JAR are accepted as national law. The new situation is that ECAR is EU-law which results in the fact that ECAR are of higher law-order then national law. The companies should be made aware of this change in order and they should look into the consequences it results in, since this can differ per state. This should be covered by national authorities (JAA-members) pointing out possible conflicts.		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General	G	Martinair	61	FAA-regulations are published with no fee attached on the internet, this should also be de case for ECAR. This because of fair competition between FAR-organisations and EU-based organisations. This also because to possibility to act according the ECAR-law should not depend on the financial state of the company.		Not relevant to the present consultation.
General	G	Royal Aeronautical Society	107	'grandfather rights' should be replaced by 'protected rights'.		This is a commonly used legal term. No text change.
General	G	GAMTA	151	ECOGAS believes the certification IR's (IR-21 etc) to be generally acceptable but has major concerns with regard to those IR's relating to maintenance. While ECOGAS acknowledges the political and legal drivers associated with the need for a functioning EASA by 28 th September 2003 we are deeply concerned about the use of expedited consultation periods for IR's. Even the draft part 21 has significant changes from JAR 21; we hope the lack of proper consultation does not result in unwanted consequences from these changes. The IR's regarding maintenance should be re-addressed to a full consultation process. The extension of scope of these IR's beyond that contained in published JAR's in no way meets the requirements necessary for EASA to expedite their consultation. ECOGAS would also question the legality of proceedings given the late appointment of an Executive Director of EASA. EASA must recognise that the General Aviation sector has a significantly different make up to large commercial air transport or majo		See note on consultation.

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General	G	DGAC France	160	<p>Consultation procedure and material circulated.</p> <p>The consultation period is very short, and proposed texts are not supported by adequate justification and impact assessment. This is considered acceptable only for those texts derived from JAA texts mature enough, having already been submitted to substantial discussion and consultation periods, and which are absolutely necessary for the Agency beginning to work. We consider this to be the case for IR 21 and IR 145, but not for IR M and IR 66/147. These texts introduce substantial new concepts, and are not necessary for the Agency to take as from September 28 the decisions listed in article 15 of regulation 1592. We strongly request that these texts might be subject to a further large consultation process before their adoption, after the present consultation procedure. Implementation and transition period.</p> <p>One must be aware of the various degree of implementation of the JAR in force, differing from one JAR to another and from one authority to another (it is obvious)</p>	<p>Nature of DGAC detailed comments. Considering the very short delay, unfortunately, we did not always have the time to prepare a tangible proposal and sometimes we were only able to point out the problem or to send a copy of French texts. We also did not have sufficient time to correct all the inconsistencies between the certification draft and the maintenance draft (we consider that a real harmonisation work is necessary between the two regulations, especially concerning administrative procedures of section B) or between the different parts of the maintenance draft. In order to facilitate the processing of our detailed comments by re-reading groups, we have decided to write one comment form for each article of the regulation or each paragraph, even if we had to repeat the same comment on more than one form. In the same way, we have decided to provide our comments in English without being able to validate them with a jurilinguist, and without prejudging which language should be used in the following Agency con</p>	See note on consultation.
General	G	Martinair	61	<p>What is it going to be? IR, CS, ECAR, Part all are / where used. Use one term for all regulations, this keeps it clear.</p>		Part.
General	G	Martinair	61	<p>Publish B-section separate form A-section, this creates a logical split-up between 145-organisation and authority regulations. First A-section, then AMC/Appendix to A-section, then as separate document B-section, then AMC/Appendix to B-section. Then the regulations for Part 145 are kept together and the regulations for the enforcing agency are kept together.</p>		Both sections must be kept to gather as they cover the whole process: application and approval. No text change.

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General	G	Europe Airports	73	see EAS document S3042A (see attachment Europe Airports) see EAS document S3042C (see attachment Europe Airports)		See notes on transition and consultation.
General	G	ERA	079	The Implementing Rules will regulate both Industry and the Authorities. By what method will Industry be kept advised that the Authorities are in compliance with the IRs?		Not relevant to the present consultation.
General	G	ERA	079	It is felt that, in our opinion the meeting, to change both the regulations and the system of regulation concurrently is likely to place an undue burden on all involved in the aviation sector, Industry and Regulators alike. The likelihood over the coming months and years is that the level of harmonisation that has been achieved under the JAA could well decrease. How would the Agency respond to this?		The rules have been further harmonised thereby reducing the possibility for national variants. No text change.
General	G	ERA	079	We were advised that a task force was to be set up to assess the impact the formation of EASA would have on the JAA. When is this scheduled to happen and when can the results of this review expected?		Not relevant to the present consultation.
General	G	ERA	079	It has been stated that a “fast track” change process was being defined to amend the IRs should the need arise but, as yet, was not completed. When is it envisaged that this would be completed and, in the event that an urgent amendment is required prior to the process being completed, how will this situation be handled? Additionally, could the Agency define “fast track”, i.e. how fast is fast?		Not relevant to the present consultation.
General	G	ERA	079	It has been stated that a process of amendment similar to that employed under the current NPA process would be utilised by EASA. Can we have the assurance from the Agency that this will indeed be the case? If this assurance cannot be given, can Industry be advised how the amendment process will work?		Not relevant to the present consultation.
General	G	ERA	079	How will such items as modifications, Airworthiness Directives, STCs etc. be transitioned into EASA?		Not relevant to the present consultation.
General	G	ERA	079	These drafts only include the binding regulation (which now includes the content of some previous AMC's). Can the Agency please advise if there will be changes to the Acceptable Means of Compliance and Guidance Material?		Consultation on AMC and guidance material has finished.
General	G	ERA	079	Under the JAA system, some Guidance Material is not always applicable to every JAA country because it depends on whether or not that country has signed a Bilateral Agreement with the USA (Example: Acceptance of FAA PMA parts, as shown on JAA Administrative & Guidance Material, Section Two, Part Three, Leaflet 11, paragraph 6). Can the Agency		Negotiations are currently ongoing with the USA and Canada in order to conclude a new Community bi-lateral. In the meantime, existing bi-laterals can be recognised via Article 9 of Regulation (EC) No 1592/2002.

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				please advise if there will be a Bilateral Agreement between EASA and USA so this Guidance Material can be applied to every country member of EASA, and also when such Bilateral Agreement would be expected to be in place?		
General	G	Régional Compagnie Aérienne Européenne	085	Is the adaptation of the new requirements meaning some supplementary fees (review of MOE, MTOE ...) for our organization?		Not relevant to the present consultation.
General	G	Swedish CAA	105	Documents in general need an editorial review in regard of language and consistency		This has been done.
General	G	Swedish CAA	105	The forms published in the appendices generally needs to be reviewed in regard of content and consistency. We also suggest that forms are deleted from the implementing rules and published elsewhere.		Some forms are compulsory and therefore are part of the rule (i.e. Form 1). No text change.
General	G	Swedish CAA	105	In the EASA Regulation, Art. 3, "Product" is defined as "aircraft, engine or propeller" and "parts and appliances" is defined as "any instrument, equipment, mechanism, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft. It includes parts of an airframe, engine or propeller;".In the draft Maintenance regulation, other words are used apparently with the same meaning. For example, Article 1.1 contains "component". "Component" is then defined in the Draft Regulation Art.2 as to mean "engine, propeller, part or appliance".It is now advisable to re-define in the Draft Maintenance (or Certification) Regulation what has already been defined in the EASA Regulation.	If definitions already exist in the EASA Regulation ⇒ do not make new or different definitions in the Draft Maintenance or Certification Regulations. Use the definitions in the EASA Regulation instead.	Component definition is based upon the Basic Regulation. No text change.
General	G	CAA Denmark	121	Continued validity of authorisations and approvals have a negative influence on the competent authorities possibility to get deficiencies corrected. In accordance to Danish legislation in general it is very difficult to withdraw an already given authorisation		There is no safety reason for having a timelimited certificate. Under the EU system, it is not common that certificates are time limited.

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General	G	Ellison Pearson	126	EASA seems to be Europe's chance to draft innovation into the foundation of a new aviation authority... to evolve beyond Americana and all that chokes her in liability and lobby. As an independent design researcher, I have this theory about crisis leading to either innovation or corruption. I researched dvt and noticed negligence from the EC I hope will never again impair the potential for innovation in air travel, an honest view by the WHO or taking a preventative world-view. As Airbus pours resources into forward thinking, there is a view that innovation doesn't happen for fear of liability. If industry wants EU framework money, it can have nothing to do with concrete solutions for an industry desperate for innovation. I hope EASA takes the view of making innovation happen for industries in the 21st Century.		No response needed.
General	G	CAA Norway	131	Both of the subject documents, Part 145 and Part M make multiple references to the Member States but do not fully address the issues for Non-Member States. This is especially critical in light of the short and possibly unachievable transition period required for conversion from the JARs to the Parts. Part M will regulate Commercial, Non-Commercial and Private aviation except those mentioned in 1592/2002 Annex I. For the Non-Commercial operator (Aerial Work) it has to be established requirements, which will ensure a common playing field throughout Europe. Today there are different national requirements, which will have the result that Aerial Work operators from different EU countries will have different requirements for maintenance.		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General	G	Deutscher Freiballonsport Verband	139	The repairs of balloons and hot air airships are not regulated in the EASA implementing rules.		General maintenance rules are covered in Part-M
General	G	Danish Soaring Assoc.	180	See file 180		No justification. No text change.
	G		61	How is ECAR Part 145 made effective in non EU members of the JAA. For example now the Swiss FOCA enforces JAR 145 at Swiss companies, as Switzerland is a JAA-member. Is Swiss law going to declare ECAR 145 as national law as they did with JAR 145? More in general: Is it possible that JAR 145 is still applicable outside the EU while ECAR 145 is in place because ECAR 145 is not yet adopted by states outside the EU? Because this could result in the fact that ECAR 145 companies should assess the difference between ECAR 145 in place and		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.

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				JAR 145 or the previous (adopted) version of ECAR 145 while auditing companies outside the EU.		
General	G		61	Positioning of ECAR Regulations EC 1592/2002 is European law which is positioned above national law. The JAR are declared effective in the national law and are of equal level to national law On which level the ECAR Regulations are going to be is not clear, this also regarding situations in Non-EU JAA-countries like Switzerland. This also because to possibility to act according the ECAR-law should not depend on the financial state of the company		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General	G		61	Awareness to the change in order of law-position of ECAR versus other National laws: In the JAA situation the JAR are accepted as national law.The new situation is that ECAR is EU-law which results in the fact that ECAR are of higher law-order then national law. The companies should be made aware of this change in order and they should look into the consequences it results in, since this can differ per state. The companies should be made aware of this change in order and they should look into the consequences it results in, since this can differ per state. This should be covered by national authorities (JAA-members) pointing out possible conflicts		Not relevant to the consultation.
General	G		61	Publication of B-sections: Publish B-section separate form A-section, this creates a logical split-up between 145-organisation and authority regulations. First A-section, then AMC/Appendix to A-section, then as separate document B-section, then AMC/Appendix to B-section. Then the regulations for Part 145 are kept together and the regulations for the enforcing agency are kept together		Both sections must be kept together as they cover the whole process: application and approval. No text change.
General	G		61	Publishing Regulations toll-free: FAA-regulations are published with no fee attached on the internet, this should also be de case for ECAR. This because of fair competition between FAR-organisations and EU-based organisations.This also because to possibility to act according the ECAR-law should not depend on the financial state of the company		Not relevant to the consultation.

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General	G		61	The ECAR 145 does not mention the 145 accepted organisations. Its not clear if they become ECAR 145 approved organisation in the ECAR system. As business continues this should be taken care of by 28 September 2003 to make it possible to subcontract maintenance to JAR 145 accepted organisations. Put more in general: Are bilateral agreement between the US / Canada and the JAA on maintenance and component release certificates still valid in the ECAR system		Negotiations are currently ongoing with the USA and Canada in order to conclude a new Community bi-lateral. In the meantime, existing bi-laterals can be recognised via Article 9 of the Basic Regulation.
General	G	DCA Malta	75	Given the extent and scope of all the material that has been posted covering the Transition from JAA to EASA, it is simply not realistic to expect such detailed scrutiny of all this data to be completed effectively within the period that has been given. We would recommend that a full three-month period of review, consultation and comment be allowed, such that constructive thorough feedback can be given..		See general on consultation.
General	G	DCA Malta	75	It is noted that both the wording and application conditions vary between the above subject rules. As an example, within Parts 66, and 147 the application rules have an additional important condition that states " An applicant who meets the appropriate requirements of this Part is entitled to (either be approved, or granted the licence) by the competent authority". This has been removed from Part 145, and is not included within Part M Sub-Part F, or Sub-Part G at all. This issue may appear insignificant, but in reality the wording that is included within Parts 66 and 147 places the correct emphasis of the showing of compliance with the rules upon the applicant, and not directly the authority. We would recommend that such wording is put back into the Part 145 rule and also included within the applicable Sub-Parts. Of Part M		Text changed in Part 66 and 147 to ensure consistency.
General	G	Aerospace Industries Association (AIA)	84	Further, we believe that the removal of the definitions section in favour of placing definitions through out the document is not as efficient as retaining the section and urge that this change be reconsidered		Harmonised throughout the codes. No change.
General	G	Nayak Air Services Netherlands	88	With a general remark that the timeframe given to the industry is remarkably short, and next to that in the holiday season,		See note on consultation.

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General	G	IACA (Martinair)	8	<p>ECAR Part 145 does not declare itself effective, there is no date of effectively.. The text mentioned in the explanatory note mentions a dates of 28 September 2003 and 2005 The EC 1592/2002 law will still be in place if ECAR Part 145 will be amended, this means the part should contain its effectively, in necessary per paragraph as JAR 145 did previously.</p> <p>The mentioning of the effectivity also clears up and overrules (see general law-order awareness remark) the effectivity of JAR 145 Amendment 5. This also this overrules the national law declaring JAR 145 amendments effective. Dutch law now declares JAR 145 Amendment 4 effective (not Am 5). Does this mean all authorities first have to start implementing JAR 145 Am 5 or do they skip Am 5 and move on to ECAR Part 145? How is ECAR Part 145 made effective in non EU members of the JAA. For example now the Swiss FOCA enforces JAR 145 at Swiss companies, as Switzerland is a JAA-member. Is Swiss law going to declare ECAR 145 as national law as they did with JAR 145?</p>		See notes on transition and on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	G			<p>6 : Definition Line Maintenance: no comment.</p> <p>9: Maintenance Organizations performing Production / Production Organization performing Maintenance: no comment.</p> <p>10: Issue of Form 1 part removed serviceable / stored prior to introduction of JAA Form 1: no comment, already used by Martinair</p> <p>11: Acceptance Components: no comment, already used by Martinair.</p> <p>38: Crew License for limited maintenance actions: TGL 38 states a validity of 1 year and a training 1x per year.</p> <p>Why does this period differ form the period for continuation training, which is 2 years, this would make it possible to incorporate the continuation training of limited line maintenance authorized crew into continuation training for other JAR 145 personnel. TGL 38 also mentions task limitations; are these the same limitation going to be AMC material to Part 145?</p> <p>42: One Off Authorization: The operator contract maintenance organizations to perform line maintenance (including technical handling at outstations). Case: Operator OPER contracts MCOMP f</p>		See Part 145, M, 66 and 147 CRD.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	G			<p>Also what does this mean for Part 145 companies performing (line) maintenance on aircraft for other operators. Can / Must they themselves grant their own personnel a one off authorization to personnel that the operator contracted for performing technical handling / line maintenance at outstations when handling a other aircraft of similar technology, construction and system.</p> <p>So the general questions are: What is the scope of "one of its employees"? Does Part 66 and Part 145 not provide enough quality assurance to replace "one of its employees holding type qualifications on.." by "Any AMT holding a Part 66 AML for .." ?</p> <p>43/44 Certifying staff working at non JAA/EASA located Line Stations / Conditions for non JAA/EASA bases Part 145 Maintenance Organizations / subcontracted line stations. Does this also become applicable to non EU states currently part of JAA but no EU-member (i.e. Swiss based organizations).</p> <p>EASA-Form One and ECAR M-F companies. Consider to not use EASA-Form One but a EASA-Form (other numbe</p>		See Part 145, M, 66 and 147 CRD.
General	G			<p>Awareness to the change in order of law-position of ECAR versus other National laws: In the JAA situation the JAR are accepted as national law. The new situation is that ECAR is EU-law which results in the fact that ECAR are of higher law-order then national law. The companies should be made aware of this change in order and they should look into the consequences it results in, since this can differ per state. This should be covered by national authorities (JAA-members).</p> <p>What is it going to be? IR, CS, ECAR, Part all are / where used. Use one term for all regulations, this keeps it clear.</p>		See Part 145, M, 66 and 147 CRD.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	G	A. Kalshoven, Central JAA	30	<p>There is an inconsistency in the rules between Part 145 and IR 21, since in IR 21B.245 the suspension and revocation by the Competent Authority of a production organisation approval is regulated, but this is not done in Part 145 and maybe some other Maintenance rules as well.</p> <p>For consistency reasons it is suggested to add this to Part 145 and to also check the other Maintenance Parts with respect to this subject.</p>		Part-21 changed.
General	G	Martinair Maintenance & Engineering	61	<p>What is it going to be? IR, CS, ECAR, Part all are / where used.</p> <p>Use one term for all regulations, this keeps it clear.</p>		Part.
General	G	LFV, Sweden	105	<p>The weight factor in regard of aircraft and helicopters is not used in a consistent way. It sometimes reads: "a maximum take-off mass of 5 700 kg or above" and sometimes: "a maximum take-off mass below 5 700 kg".</p> <p>The ICAO definition should be applied.</p>		Text harmonised.
General	G	Monarch Aircraft Engineering	114	<p>Only refers to existing approvals within EU member states. What about those outside it currently recognised or approved under JAA</p>		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General	G	CAA, UK	123	<p>The definitions for inspection and approved standards should be retained from JAR145 although the definition could be placed in AMC.</p>		"Inspection" does not need to be defined and "approved standard" is not used anymore.
General	G	DAC, Luxembourg	129	<p><i>Each organisation shall be audited at a period not exceeding 12 months</i></p> <p><i>Each organisation shall be audited at a period not exceeding 24 months</i></p> <p><i>The change from JAR codes to EASA could have been the opportunity to choose the same period for the two audits. DAC Lux suggests 24 months for both.</i></p>		Harmonised throughout the maintenance codes to 24 months.
General	G	Europe Air Sports	73		<p>At present it seems that the Acceptable Means of Compliance and Implementation (ACJ) for Part M has not been published on the EASA website for consultation purposes. It is in this material that the actual mechanisms for implementation of Part M will be determined. The ACJ</p>	AMC and Guidance have been published and consulted.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
					material will have greater direct impact on companies seeking approval than the 'aspirations' in the main text of Part M. Therefore, it is important that the ACJ material is distributed for consultation prior to any opinion on implementation.	
General	G	ERA	79	This paragraph states "It is therefore seen as a mature proposal reflecting views and opinions expressed by the European aviation community". If this is indeed the case, can the Agency please advise why none of the comments made by ERA or a number of our Members have appeared in the Comment Response Documents?		All ERA comments were analysed and responded to in accordance with the JAA procedures.
General	G	ERA	079	Paragraph JAR-OPS 1.890 (5) on page 11-26 states, in the column headed "Topic" that "national variants not allowed". This is gratifying to read. How will the Agency ensure that this is achieved? Furthermore, if Member States do not work to these ends, what action will be taken by the Agency or Commission against such offending States?		Not relevant to the consultation.
General	G	Brian Skehan Irish Aviation Authority	673	The Part M proposal as it relates to aircraft of MTOW<5,700 kg is new and is not based on an existing JAR. It introduces extensive requirements for the General Aviation sector. Part M also introduces extension of the JAR-OPS M concept and other changes for commercial operators. As such the consultation period for these elements is probably inadequate. Detailed observations are made on subsequent C/R documents.		See note on transition.
General	G	CAA Norway	131	<u>The pace and level of details of the editing of the regulation is such that a credible analysis of the consequences in the countries and aviation sectors concerned is not reasonable feasible in the timeframe allowed.</u>		See note on consultation.
General	G	CFDT France, J. RAMEL	145	The examination of this Part must be delayed because of the great number of new concepts c.f. CFDT letter to Mrs Ayral and Schmidt		See note on consultation.
General	G	Esa Ailio CAA Finland	157	The Regulation, Annexes and AMC-material should be treated as an entirety. Because a full influence of the norms cannot be evaluated without AMC-material, it is proposed that the adoption of all other Parts than Part 145 for commercial air transport and Part 21 should be postponed until a full regulatory process, including a Regulatory Impact Assessment, has been completed.		AMC and Guidance have been published and consulted.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				See full comment and rationale in the cover letter 46/06/03 dated 17.07.2003.		
General	G	Lufthansa AG Germany	21	In order to develop a complete picture of the regulatory environment it is necessary to investigate Section A, B and the corresponding AMC material at the same time. Since – at the time of the official comment phase (except for the last two weeks) – the AMC material has not been published, it is almost impossible for the industry to forward consolidated comments.		AMC and Guidance have been published and consulted.
General	G	Lufthansa AG Germany	21	Since many requirements have been transposed almost literally from the former JAR's into the IR Parts not reflecting that from 28 September 2003 we do have two regulatory worlds: EU-Member States plus additional JAA States it is completely open how the relation between both parties will look like. Example: A. will contracting of maintenance cross-boarder be allowed EU-registered aircraft to JAR-145MO outside EU (Switzerland) and vv.? B. Is JAA Form 1 equivalent to EASA Form 1, may a Part-145 MO accept JAA Form 1 from Norway and vv.?		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General	G	Lufthansa AG Germany	21	Most - if not all - EU Member States have implemented the corresponding JAR's into national law (including national variants). It is from the industries standpoint unclear if all member states are prepared to withdraw their national law instantaneously. This may lead to legal conflicts and the industry may suffer from that situation.		Not relevant to the consultation.
General	G	Martinair Holland NV	61	Publication of B-sections: Publish B-section separate form A-section, this creates a logical split-up between 145-organisation and authority regulations. First A-section, then AMC/Appendix to A-section, then as separate document B-section, then AMC/Appendix to B-section. Then the regulations for Part 145 are kept together and the regulations for the enforcing agency are kept together.		Both sections must be kept together as they cover the whole process: application and approval. No text change.
General	G	Martinair Holland NV	61	Publishing Regulations toll-free: FAA-regulations are published with no fee attached on the internet, this should also be de case for ECAR. This because of fair competition between FAR-organisations and EU-based organisations. This also because		Not relevant to the consultation.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				to possibility to act according the ECAR-law should not depend on the financial state of the company.		
General	G	Martinair Holland NV	61	Positioning of ECAR Regulations EC 1592/2002 is European law which is positioned above national law. The JARs are declared effective in the national law and are of equal level to national law. On which level the ECAR Regulations are going to be is not clear, this also regarding situations in Non-EU JAA-countries like Switzerland. Awareness to the change in order of law-position of ECAR versus other National laws: In the JAA situation the JAR are accepted as national law. The new situation is that ECAR is EU-law which results in the fact that ECAR are of higher law-order then national law. The companies should be made aware of this change in order and they should look into the consequences it results in, since this can differ per state. This should be covered by national authorities (JAA-members) pointing out possible conflicts.		Not relevant to the consultation.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	G	Europe Airports	73		<p>1. These measures have been drawn up to cover a wide and, in our view, overly ambitious range of aviation activities. Whilst others will hold views on the core regulatory aims in respect of large-scale commercial aviation, scant regard has been paid to the impact of these regulations on non-commercial light and sporting aviation. Indeed the views of sport aviation were not considered when the scope of applicability of these rules was first made by proposals of the European Commission and enactment by the European Parliament.</p> <p>2. These measures represent a major intervention in sport and recreational aviation that is demonstrably unnecessary. In many European nations the previous national policies have encouraged de-regulation from National Airworthiness Authorities to self interest groups, such as NACs or individual air sport associations or NGBs. In these cases NAA scrutiny has invariably found that national associations are fully capable of ensuring air safety, demonstrated by accident/incident rates which</p>	<p>Proposed Implementing Rules comply with Article 2 of the Basic Regulation, which requires a "high uniform level of civil aviation safety in Europe".</p>

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	G	Paul Draper Chairman PPL/IR Europe	74	<p>You have invited comments on the proposed ECAR M regulations and I write on behalf of PPL/IR Europe which is a grouping of some 360+ pilots who are based throughout Europe and most of whom have an Instrument Rating. Most of our members are owners as well as operators of G A aircraft under 5,700Kgs.</p> <p>We are very concerned at the proposals because as currently drafted we consider they are incomprehensible, not well enough explained and will increase costs unnecessarily for GA aircraft below 5,700 Kgs.</p> <p>We see no reasons why aircraft under 5,700 Kgs should be caught up in provisions that might sensibly be applied to much larger and mainly public transport category aircraft.</p> <p>Furthermore we consider an economic assessment should be made to show the impact of these proposals on the owners/users before any firm proposals are implemented.</p> <p>Accordingly we regret we wish to register an objection to the proposed regulations as they stand.</p> <p>We should be pleased to receive further information from you as to how the proposals</p>		<p>Proposed Implementing Rules comply with Article 2 of the Basic Regulation, which requires a "high uniform level of civil aviation safety in Europe".</p> <p>Vintage aircraft are not covered by the basic regulation and JAR-OPS only applies to commercial air transport.</p>
General	G	De Havilland Support Ltd	71	<p>I strongly urge you to reconsider the application of Part M, as it currently stands, to aircraft below 2,730kg MTWA.</p>	<p>We find that we cannot accept the document as it stands. We are a Type Certificate Holder for 15 different types of aircraft, all below 2730kg MTWA. We are, quite frankly, astonished that EASA should ever consider making the stringent maintenance requirements of JAR OPS 1 applicable to light, classic and vintage aircraft below 2,730kg MTWA. There will be an outcry from the light aircraft owners and operators in the UK when they discover what they will have to put up with the maintain their aircraft in two years time.</p>	<p>Vintage aircraft are not covered by the basic regulation and JAR-OPS only applies to commercial air transport.</p>
General	G	Dutch Helicopter Association	106	<p>To create a true level playing field for all companies within the European Union it is absolutely necessary to have a uniform regulation on fees and charges (as laid down in article 53 of EU Regulation 1592/2002).</p> <p>The DHA therefore strongly recommends the Agency to create such system, because the current (national) system for the relevant JAA-approvals creates unfair competition as national authorities use very different fees and charges.</p>		<p>Not relevant to the consultation.</p>
General	G	ENAC, Italy	102	<p>Part M requirements have consecutive numbers (i.e. M. 201, 202, 203...); this approach is not consistent with Part 145, etc. where requirements have not consecutive numbers to allow</p>		<p>Consecutive numbering does not prevent insertions, as gaps exist between Subparts.</p>

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				future insertions of new requirements without renumbering the entire part.		
General	G	LBA	57	The possibility to transfer the responsibility for the airworthiness of an aircraft to another national airworthiness authority in accordance with ICAO Annex 6, 83bis shall be mentioned in this paragraph.		Not included in the Basic Regulation (See article 4.1b)
General	G	Martin Ambrose ERA	79	The numbering system used for the paragraphs in this Part M run sequentially. It is our feeling that they should be incremented in steps of 5 or 10 in order to allow gaps should the need arise to insert a paragraph.		Consecutive numbering does not prevent insertions, as gaps exist between Subparts.
General Comment	G	Martinair Maintenance	61	<p>Positioning of ECAR Regulations</p> <p>EC 1592/2002 is European law which is positioned above national law. The JAR are declared effective in the national law and are of equal level to national law.</p> <p>On which level the ECAR Regulations are going to be is not clear, this also regarding situations in Non-EU JAA-countries like Switzerland.</p> <p>Awareness to the change in order of law-position of ECAR versus other National laws:</p> <p>In the JAA situation the JAR are accepted as national law. The new situation is that ECAR is EU-law which results in the fact that ECAR are of higher law-order than national law.</p> <p>The companies should be made aware of this change in order and they should look into the consequences it results in, since this can differ per state.</p> <p>This should be covered by national authorities (JAA-members) pointing out possible conflicts.</p>		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
General Comment	G	Martinair Maintenance	61	<p>Publication of B-sections:</p> <p>Publish B-section separate form A-section, this creates a logical split-up between 145-organisation and authority regulations.</p> <p>First A-section, then AMC/Appendix to A-section, then as separate document B-section, then AMC/Appendix to B-section.</p> <p>Then the regulations for Part 145 are kept together and the regulations for the enforcing agency are kept together.</p>		The Regulation is common to both parties and therefore both sections are in the same document.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General Comment	G	Martinair Maintenance	61	Publishing Regulations toll-free: FAA-regulations are published with no fee attached on the internet, this should also be de case for ECAR. This because of fair competition between FAR-organisations and EU-based organisations. This also because to possibility to act according the ECAR-law should not depend on the financial state of the company.		Not relevant to the consultation.
General Comment	G	Martinair Maintenance	61	What is it going to be? IR, CS, ECAR, Part all are / where used. Use one term for all regulations, this keeps it clear.		Part.
General Comment	G	Aircraft Electronics Association	142	The proposed regulation is discriminatory. The regulation favors businesses located in countries that have state funded/state supported technical training schools while placing a significant financial burden on companies located in countries without state funded technical training programs.		Not relevant to the consultation.
General Comment	G	Lufthansa Technik AG	148	Persons have been trained and examined in the recent past according to JAR-66 specifications. They will apply for a Part-66 license in the near future when a different scale (new and/or modified modules, different applicability's) is in force. This implies for transfer rules.		There are conversions provisions in Part-66
M.A.201 (h) (3)	G	AEA Brussels	020	Some EU Member State operators currently have contracts for maintenance with JAR 145 Non-EU member state organisations. These organisations will not be declared ECAR 145 equivalent. This will impact the way EU Member State operators do business in the fulfilment of their maintenance responsibilities.		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
M.A.201 (h) (3)	G	Warner van der Veer-Jehee M.A.KLM	017	Will all Maintenance organizations, currently approved according to JAR-145 (also outside EU) receive an ECAR-145 approval based on grandfather rights, or are they declared to be equivalent or accepted as an ECAR-145 organization? (KLM has contracts with JAR-145 organizations outside EU like SR-Technics)		See note on consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.
M.A.202 (b)	G	IVW, The Netherlands	99	Reports to be made in a form and manner established by the Agency. CAA-NL suggests a standard EASA form in the Appendix I.		Not a priority for the moment.
M.A.301	G	H.T. Beekelaar, Martinair	008	Missing amendment statement JAR OPS versus ECAR M. Will JAR-OPS remain valid? If so do we get double requirements, one for ECAR M and one for JAR-OPS?		EU laws supersede national laws.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
M.A.301 (5)	G	Warner van der Veer-Jehee, KLM Fleet Services	017	Are all future AD's for EU registered aircraft going to be published by EASA ? If yes, is one subscription to EASA sufficient? How will approval of AMOC's be regulated? (point needs clarification before rule becomes effective)		Not relevant to the consultation.
M.A.403 (b) (2)	G	LBA	57	What is an officially recognized standard? AMC material is needed. See also M.A. 608 (b) and 145.A.40 for harmonization.		In the absence of an EC standard covering these aspects there has to be flexibility to facilitate national systems in existence. The EU terminology for this is "officially recognised standard". No text change.
M.A.403 (b) (2)	G	LFV, Sweden	105	Where "an officially recognised standard" is mentioned in the text it should be added: "or national regulations". Guidance material required ensuring that "an officially recognized standard" has a definition. During nearly all MAST visits, this has been a very controversial issue. It is suggested to at least refer to some existing standards that are available and used by the industry or even current national regulations.		In the absence of an EC standard covering these aspects there has to be flexibility to facilitate national systems in existence. The EU terminology for this is "officially recognised standard". No text change.
M.A.403 (b) (2)	G	Michael Loges, Rolls-Royce, Germany	062	Calibration to an officially recognized standard is not possible. Where necessary is unclear/ not defined. Tools and equipment shall be controlled and calibrated, traceable to an officially recognized standard		In the absence of an EC standard covering these aspects there has to be flexibility to facilitate national systems in existence. The EU terminology for this is "officially recognised standard". No text change.
M.A.903 (b)	G	Michael Loges, Rolls-Royce, Germany	062	For compliance with specific national requirement, placarding in national language, specific required equipment, a partial new airworthiness review needs to be performed.		These elements are not a certification requirement and should therefore not affect import of products; national operator requirements will specify these additional elements.
M.B.603	G	Allaert Kalshoven, Central JAA	030	By the CJAA group tasked to develop EASA procedures it was identified that there is the need for EASA to maintain registers of Organisation Approvals which have been issued. In order to feed those registers with the appropriate data there should be the obligation of the Competent Authorities when issuing and maintaining Organisation Approvals to provide the Agency with this data in a form and manner to be defined by the Agency. It was identified that in order to do so this obligation for the		It will be the responsibility of the Agency whether or not registers will be maintained. Comment noted.

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				Competent Authorities should be added to the Section B of the applicable Rule.		
M.B.703	G	Allaert Kalshoven, Central JAA	030	By the CJAA group tasked to develop EASA procedures it was identified that there is the need for EASA to maintain registers of Organisation Approvals which have been issued. In order to feed those registers with the appropriate data there should be the obligation of the Competent Authorities when issuing and maintaining Organisation Approvals to provide the Agency with this data in a form and manner to be defined by the Agency. It was identified that in order to do so this obligation for the Competent Authorities should be added to the Section B of the applicable Rule.		There is no safety reason for having a timelimited certificate. Under the EU system, it is not common that certificates are time limited.
M.B.90X	G	LBA	57	A regulation for export in third countries is needed, because the most agreements in the aerospace field are bilateral agreements. The EU is responsible for the import to the member states. The EU should also be responsible for all export agreements, which should be part of the import/export agreement between third countries and the EU.		Basic Regulation does not give a legal basis for regulating this subject.
M.B.90X	G	LBA	57	A detailed procedure for the competent authority shall be established to clarify the necessary steps for changing an aircraft registration or establishing a registration a new aircraft.		Not covered by the Basic Regulation.
Paragraph 2.1 Main issues – Changes resulting from the introduction of Part M – paragraph (3)	G	Air France	86	This paragraph mentions the following elements: “Continuing experience requirements are introduced” “... this proposal, ..., places the responsibility for checking and demonstrating the recency of experience on the licence holder, whilst currently in some EU Member States the competent authority is involved in checking this through the licence revalidation process” It should be precised that this paragraph is not applicable for a Part 66 licence holder certified under Part 145 Approved Maintenance Organisation.	In this case there is not continuing experience criteria to take into account through the licence revalidation process. The Part 145 Approved Maintenance Organisation checks the continuing experience through the certification process.	Comment noted.
Whereas (5)	G	ERA	79	This paragraph stresses the need to “ensure uniformity...” and “requires that common procedures be followed...” in the application of common technical requirements in the field of continuing airworthiness of aeronautical parts. How will the Agency ensure that this is achieved to 1) eliminate national		Covered by Article 8 of the Basic Regulation. No text changed.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				variants and 2) to avoid duplication of processes? Furthermore, if Member States do not work to these ends, what action will be taken by the Agency or Commission against such offending States?		
General	G T	Royal Aeronautical Society	182	We observe that the proposals will have a significant impact on General Aviation, but that the extension of the JAR regulations to aircraft with a take off mass of under 5700kg has always been planned in any event and this is a logical development in that light. However, there has been any preceding adoption of a JAR M we most strongly recommend that this Part M consultation and adoption process is extended to allow a proper review by all concerned parties.		See notes on transition and consultation.
M.A.303	Part 21	ENAC, Italy	102	<i>Any airworthiness directive issued under Part 21 must be carried out within the requirements of that airworthiness directive, unless otherwise specified by the Agency. <u>Until the publication by the Agency of the list of Airworthiness Directives applicable to the type, the Airworthiness Directives issued by the State of Registry apply. This different text is necessary to cover the transition period when no official list of applicable AD will be available for the type.</u></i>		Part-21 defines which ADs are applicable and any associated transitions periods.
M.A.303	Part 21	AEA Brussels	020	Airworthiness Directives: since EASA will issue AD's for aircraft types and components with EASA Type Certification basis, we assume that EASA will also have to approve Alternate Means of Compliance (AMOC). In this respect we hope that the involvement of EASA will be such that the time frame needed for final approval of the AMOC may not take an unnecessary lot of extra time, and that EASA will allow maximum reliance on TC- and STC holders data that will be provided on request for AMOC by the EU Member State operator.		Any exemptions from ADs are approved by the Agency as detailed in Part-21 and Part-M.
M.A.303	Part 21	LFV, Sweden	105	Airworthiness Directives issued by national authorities should also be included in the definition of maintenance data. Proposed wording : In M.A.402(b)(2) add at the end « ... adopted by the Agency or the competent authority ». A similar adjustment of the wording in M.A.303 is also needed to cover the same situation as above.		Not in compliance with the Basic Regulation.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
M.A.304	Part 21	ENAC, Italy	102	<i>All modifications and repairs shall be carried out using data approved by the Agency or by an approved Part 21 design organisation, as appropriate. <u>Until the publication by the Agency of the list of modifications applicable to the type, the modifications and repairs issued by the State of Registry apply. This different text is necessary to cover the transition period when no official list of applicable modifications or repairs will be available for the type.</u></i>		Part-21 defines which ADs are applicable and any associated transitions periods.
M.A.402 (b) (2)	Part 21	LFV, Sweden	105	Airworthiness Directives issued by national authorities should also be included in the definition of maintenance data. Proposed wording : In M.A.402(b)(2) add at the end « ... adopted by the Agency or the competent authority » A similar adjustment of the wording in M.A.303 is also needed to cover the same situation as above.		Not in compliance with the Basic Regulation.
Article 1	S	Swedish CAA	105	The EASA Regulation contains the allowed objective and scope. There is no need, nor is it appropriate, to repeat this objective and scope in the Maintenance Regulation. Furthermore, it is of course not possible to modify the objective and scope prescribed by the EASA Regulation in a Commission Regulation. Two examples of where the EASA Regulation is evidently amended by the Maintenance Regulation: (1) EASA Regulation Art 4.1 (c): registered in a third country and used by an operator for which any Member State ensures oversight of operations; Maintenance Regulation Art 1.1 (b) registered in a third country and used by an operator for which the Agency or a Member State ensures oversight of operations and (2) EASA Regulation Art 4.1(c) shall comply with this Regulation unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator. Maintenance Regulation Art. 2.1 Paragraph 1 shall apply neither to aircraft the regulatory safety oversight of which has	This may be made on purpose or by accident. Irrespectively, this should be noticed and if necessary corrected. Reason (s) for proposed text or comment: Legality, constitutionality	(1) Text changed. (2) No conflict between texts. No text change.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 1	S	DGAC France	162	<p>1. This Regulation sets common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft, including any component for installation thereto.</p> <p>2. This regulation is not applicable to aircraft referred to in Annex II of the EASA Regulation.</p> <p>3. This regulation is applicable to aircraft registered in a Member State, except, for aircraft which are not used by a Community operator: (a) for the functions and duties transferred to the State of the Operator by an agreement signed according article 83 bis of the Chicago Convention, or (b) for the oversight functions delegated to the State of the Operator according its own regulation.</p> <p>4. This regulation is applicable to aircraft registered in a third country and used by an operator for which a Member State ensures oversight of operations, except for aircraft used for less than 6 months by a an operator other than a commercial air transport operator.”</p>	<p>1. <u>Editorial</u>: Usually a Regulation does not “aim to set requirements” but simply sets the applicable requirements</p> <p>2. Implementation problems for EU registered aircraft operated by third country operators: The proposed text questions existing practices and creates unnecessary burden for the export of European products. Today there is a number of aircraft registered in EU and operated by third country operators for which there has been no transfer of responsibility according to article 83 bis of the Chicago Convention but for which safety oversight is however ensured according the State of Operator’s regulation in accordance with a delegation of surveillance functions (and not an 83 bis transfer of duties), after the oversight system of the State of the Operator has been considered appropriate (taking into account the results of the ICAO Safety Oversight Audit Programme). For instance an EU registered aircraft operated by an Australian operator would be authorised to be maintained in an Australian maintenance o</p>	<p>1. Text changed.</p> <p>2. Existing text complies with article 4.2 of Regulation (EC) No 1592/2002.</p> <p>3 and 4. Complies with article 4.1 of Regulation (EC) No 1592/2002.</p> <p>No text change.</p>
Article 1 para. 1 (b)	S	Swedish CAA	105	The article mentions - “registered in a third country and used by an operator for which the Agency or a Member State ensures oversight of operation;”	The current Agency regulation does not contain rights for EASA to provide oversights of operators i.e. operations. Consequently the text has to be clarified accordingly.	Text changed.
Article 1 para. 1 (b)	S	FNAM France	171	<p>1) Oversighting of the operations by the Agency or a Member State may be partial. In such a case, only appropriate sections of the regulation should apply.</p> <p>2) For short lease periods the proposed wording seems to be unapplicable as such.</p>	Air transport industry and also aerial work need some flexibility to cope with unplanned situations whilst insuring an equivalent safety level. Not all the rules contained in this complete set of regulations are necessary to guarantee an appropriate level of safety for a given type of operation, in a given environment and for a limited duration. Appropriate oversight must be offered for such situations.	Existing text complies with Article 4.1 of Regulation (EC) No 1592/2002. No text change.
Article 2	S	DGAC France	162	<p>I – Delete the definition of “organisation”, add a definition of “person” and replace everywhere (in the Regulation and its annexes) “organisation” by “person”, when necessary. “person” means either a natural person or a registered legal entity or part of a registered legal entity. Such an entity may be located at more than one location whether or not within the territory of the Member States.”</p> <p>II – Additional comments on definitions. - The use of a “multi-crew” concept has proven to be confusing as an aircraft may be certified with a minimum crew and operated with a different one.</p>	<p>I - <u>Basic principles</u> : The definition of “organisation” precludes physical persons of being approved even if they have all the means and procedures to comply with the regulation (see definition of JAR 145 : ‘<i>Organisation</i>’ means either an organisation registered as a legal entity in any jurisdiction whether or not within the territories of the States that have joined the Joint Aviation Authorities or a natural person. Such an organisation may be located at more than one location and may hold more than one JAR-145 approval).</p> <p>II - Implementation problems :</p>	<p>I- Text changed.</p> <p>II- Text changed, except for rotorcraft (ICAO uses “helicopter”)</p>

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				<ul style="list-style-type: none"> - What is the use of defining large aircraft, if other discriminants are used in the different parts of the regulation (for example 145.A.30 refers to a mass limit) - The term "rotorcraft" may be more appropriate than "helicopter" 	<ul style="list-style-type: none"> - The proposed definition of "large aircraft" is not consistent. - In the near future tilt-rotors may be operated in Europe. 	
Article 2 (e)	S	Swedish CAA	105	All multi-engined helicopters are defined as "large aircraft" regardless of weight. This is not consistent with design specifications and FAA regulations. This definition will mean that all multi-engine helicopters that may be simple in other respects will have to always be maintained by Part 145 organisations. Is this really needed?		Not a design issue. No text change.
Article 2 (e)	S	FNAM France	171	"large aircraft " means <u>an aeroplane with a maximum structural take-off mass of 5.7 tons or more, designed for operation by at least two crew members</u> , or a multi-engined helicopter.	Multi-crew per design, not for convenience.	Text changed, but not as proposed.
Article 2 (e), Article 4 para. 1	S	CAA Finland	157	For the purpose of this regulation Article 2(e) defines "large aircraft" in a way, that differs from the already existing definitions by ICAO, JAA, FAA etc. (where "large aircraft/aeroplane" means an aircraft/aeroplane of more than 5700 kg /12500 lbs maximum certificated take-off mass). In Part III the mass limits of 5700 kg for aeroplanes and 3175 kg for helicopters have been defined for "heavy/light aircraft". In order to avoid confusion it is proposed that the definition of "large aircraft" in Article 2(e) will be deleted and Article 4.1 modified to contain the corresponding text accordingly.		Text changed, but not as proposed.
Article 2 (f)	S	FNAM France	171	"maintenance " means <u>performance of any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component according to approved document and/or standard practices</u> , with the exception of pre-flight inspection.	According to Part M and to Part 21, neither design of changes or major repair nor instructions for continued airworthiness are part of maintenance.	Existing text is consistent with the ICAO Annex 6 definition. No change.

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M.A.201 (h)	S	Esa Ailio CAA Finland	157	<p><i>In proposed Part M, Subpart B, M.A.201(h) there has been brought a new definition for Commercial Air Transport (CAT) in excluding the transport of passengers at local sight seeing flights.</i></p> <p><i>This definition is differing from ICAO definition and the definition, which has been decided, and latest in the Transport Working Group and Coreper, when the decision was that also the local (sight seeing) flights with passengers for remuneration or hire are commercial air transport flights and therefore shall be regulated in EU OPS 1.</i></p> <p><i>The proposal in Part M is mixing into operating and maintenance rules the exemption of Council Regulation (EEC) No 2407/92 not to require the Operating Licence of the operator, which is only flying local A to A flights. As this kind of operation requires an Air Operator Certificate (AOC), the operator is also required to have an approved maintenance arrangements.</i></p> <p><i>Sight seeing flights are also flown with large transport class aeroplanes and multi engine helicopters, the paying passengers of w</i></p>		EU definitions apply.
Article 3	T	Régional Compagnie Aérienne Européenne	85	1.4 (article 3) Annex I may be closed until 28 march 2007		See note on transition.
Article 3	T	DGAC France	162	<p>Add the following paragraphs :</p> <p>- "Commercial air transport operators issued with an Air Operator Certificate (AOC) by Member States before the entry into force of this Regulation shall be deemed to have been approved for the management of the continuing airworthiness of the aircraft they operate in accordance with this Regulation. They shall comply with the new provisions of this regulation before 28 March 2007".</p> <p>- "Components release documents authorised by Member States before the entry into force of this regulation shall be deemed to have been issued in accordance with this regulation provided they contain the same level of information."</p> <p>- "Maintenance programme approvals issued by Member States before the entry into force of this Regulation shall be deemed to have been issued in accordance with this Regulation. They shall comply with the new provisions of this</p>	<p>Impracticable: The two year transition period of article 7.b are not applicable to commercial air operators which are required under Part M to get a continuing airworthiness management organisation approval. Although it is mentioned that the requirements for such an approval are based on JAR-OPS subpart M, it has to be acknowledged that JAR-OPS is not a European requirement and has been transposed differently in the national regulatory systems. In addition there are some differences between JAR-OPS and Part M and the operator's documentation will need to be changed to make reference to this new regulation. Thus a transition is necessary. It is proposed to use the transition already established in article 56 of Regulation 1592.</p> <p>- Implementation problem: It must be allowed to fit after entry into force of the regulation components which have</p>	See note on transition.

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				Regulation before 28 March 2007"	already been released and are sitting on the shelf provided the information given enables the maintenance personnel to decide if the component can be fitted as if an EASA F	
Article 3	T	FNAM France	171	<p>Add a new paragraph as follows :</p> <p>"Air Operator Certificates issued by Member States before entry into force of this regulation shall be deemed to have been issued in accordance with this Regulation. For this purpose, by derogation to the provisions of M.B.705 under Annex I, level 2 findings may be closed within one year".</p> <p>Add a new paragraph as follows : "Component release documents authorised by Member States before entry into force of this regulation shall be deemed to have been issued in accordance with this Regulation provided they contain appropriate information".</p>	<p>Transposition of JAR-OPS into national regulations is not uniform. Same transition process and same time derogation as for approved maintenance organisations should be given to airlines for full compliance.</p> <p>JAA Form One established for a component released in accordance with previous regulation, prior to enforcement of EASA Form One, should be accepted.</p>	See note on transition.
Article 3	T	CAA Finland	157	<p>Continuing airworthiness requirements</p> <p>1. The continuing airworthiness of aircraft and components, shall be ensured in accordance with the provisions of Annex I.</p> <p>2. Organisations and personnel involved in the continuing airworthiness of aircraft and components, shall comply with the provisions of Annex I and where appropriate those specified in articles 4 and 5.</p> <p>3. By derogation to paragraph 1, the continuing airworthiness of aircraft holding a permit to fly shall be ensured on the basis of the national regulations of the State of registry, subject to Community law.</p> <p>4. Maintenance Approval Statements in Commercial Air Transport issued by Member States before the entry into force of this Regulation shall be deemed to have been issued in accordance with this Regulation. For this purpose, by derogation to the provisions of M.B.705 under Annex I, level 2 findings associated with the differences between JAR-OPS 1/3 subpart M and Annex II may be closed within one year.</p>	<p>The implementation process should be defined unambiguously. Our proposal is to use the same system as in 145 although the legal bases for JAR-OPS is different to the JAR 145. It is important to have precise and clear implementation rules because the implementation of JAR-OPS 1/3 rules in EU has not been implemented uniformly.</p>	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 3 and subsequent	T	European Independent Maint. Group	115	A further point concerns the use of level 2 non compliance findings as a means to achieve transition. The membership of the EIMG feel that this is wholly inappropriate and undermines the assurance system by knowingly accepting that requirements will not be achievable and that non compliance will be condoned accepting level 2 findings as a instrument to overcome a failing of the implementation planning.		See note on transition.
Article 3 and subsequent	T	JAA Harry Jones (JAA Maint. Div)	18		To classify findings as level 2 (2 nd paragraph) and to allow a year for correction contradicts the published standard of a maximum of 6 months for such findings.	See note on transition.
Article 3 and subsequent	T	Monarch Aircraft Engineering	114	The use of level 2 non conformances is not the right vehicle to achieve compliance. A formal transition period should be agreed. 2 years seems reasonable.		See note on transition.
Article 4	T	Austro Control	081	Add the following new paragraph 4 to Article 4: "Applications processed by a Member State before 28. September 2003 may be finalised according to the regulations applicable before that date."	Applications filed before 28. September 2003 should be processed according the law in force at the date of application.	See note on transition.
Article 4	T	CAA-UK	123a	Article 4 of the draft Commission Regulation "Maintenance organisation approvals" makes no derogation provision for maintenance organisations involved in the maintenance of small aircraft (including Balloons and Gliders) not used for commercial air transport this means that on the 28th September 2003:- a) All the above aircraft maintained to National rules (BCAR A8-15 etc) will be required to be released to service in accordance with Annex 1 sub-part F. This will not be possible as no organisation will have been approved to sub-part F.	This is unacceptable to the UK and it is recommended that Article 4 has an additional paragraph added stating "4) the provisions of Annex 1 related to the maintenance of aircraft and components not listed in paragraph 1, shall enter into force on the 28th March 2007 and until that time national rules may apply."	See note on transition.
Article 4	T	CAA-UK	123b	This does not provide any flexibility for dealing with a new organisation that has applied for a JAR 145 approval before September 28 2003 or that applies for a Part 145 approval on September 29 2003.		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 4	T	DGAC France	162	"1. Organisations involved in the maintenance of aircraft, and components intended for fitment thereto, shall be approved in accordance with the provisions of Part M and Part 145 annexed to this Regulation." in accordance with JAR 145 as referenced in Regulation 3922/91 before the entry into force of this Regulation shall be deemed to have been issued in accordance with Part 145 annexed to this Regulation. Such approvals shall comply with the new provisions of Part 145 before 28 March 2007."	Maintenance organisations of small aircraft not used in commercial air transport are also required to be approved according Part M, section A, subpart F Only JAR 145 approvals can be considered as equivalent. Implementation problems: - Reference shall be made to JAR 145 as referenced in Regulation 3922/91 which is the only one legally binding in Europe today (It should be noted that according to the document on national transposition of JAR 145 available on the JAA web site a number of European States are only implementing the 3922 text, others are at amendment 3 or 4 and none is declared as implementing amendment 5) - Reference to closure of finding is not appropriate (if the finding is notified in July 2004 should it be closed before July 2005 ?). It is more clear to say that the new provisions are only applicable after a transition period (that of article 56 of Regulation 1592). So that organisations understand they have to be in conformity with Part 145 before that date. The impleme	See note on transition.
Article 4 & 7	T	Régional Compagnie Aérienne Européenne	85	The transitional dates of all requirements are too short. We ask : (article 4 & 7) Level 2 findings associated with the differences between JAR 145 and Annex II may be closed until two years (28/09/05) and the following provisions of Annex II, shall enter into force on 28 march 2007 : - 145.A.30(j)(1) appendix 4 - 145.A.30 (j)(2) appendix 4 - 145.A.65(a) (from NPA 145.12) safety and quality policy - 145.A.65(b) (from NPA 145.12) maintenance error procedures - 145.A.70(a)(2) (from NPA 145.12) exposition statement		See note on transition.
Article 4 para 2.	T	ERA	79	This paragraph allows for one year to close any differences that may exist between JAR 145 and Annex II. It is felt that this timescale is extremely tight. Does the Agency foresee any scope to extend this transition period?		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 4 para. 2	T	CAA UK	123b	UK CAA administer the oversight of a total of 409 UK located 145 approved organisations and 62 overseas located approved organisations. In order to complete the transition to Part 145 a number of steps are required of the CAA as a competent authority. This include the provision of staff training for the Part 145 and the establishment of procedures that detail how the CAA will administer its responsibilities and achieve compliance Section B of the rule. Subsequent to this, an audit is required to determine that the approved organisations comply with the requirements of Part 145. Notwithstanding the evolution of Part 145 from the JAR 145 rule there are differences and these will need to be closed out as specified in Article 4. Concurrently the CAA as the UK competent authority will be required to establish procedures associated with Part M, a wholly new rule. Taking account of the foregoing, the CAA do not consider that the one year specified to close the differences is realistic can be achieved in this ti		See note on transition.
Article 4 para. 1 and 2	T	Swedish CAA	105	There is a need for a derogation which provides for a Member State for a certain time after 28 September 2003 to issue Maintenance Organisation Approvals with reference to JAR-145 rather than Annex II when the application was made before 28 September 2003 and the investigation is near completion on that date.	There should not be a delay in the approval because of the new regulation.	See note on transition.
Article 4 para. 2	T	Austro Control	81	Change in the last sentence of Article 4 (2) "one year" to " two years "	Transition period should be extended at least to 28.9.2005 . This gives the Member States the possibility to transfer all approvals within a two year surveillance period. No additional extensive activities between the period required.	See note on transition.
Article 4 para. 2	T	Swiss FOCA	029	Due to the number of organisations involved and the resources required to conduct investigations, it is suggested to extend the period of compliance for organisations to a <u>period of 2 years</u> (instead of 1).		See note on transition.
Article 5	T	Austro Control	81	Add the following new paragraph 4 to Article 5: " Applications processed by a Member State before 28. September 2003 may be finalised according to the regulations applicable before that date. "	Applications filed before 28. September 2003 should be processed according the law in force at the date of application. "legal security"	The intent of this proposal is now overed by new 66.A.70(b)
Article 5	T	Régional Compagnie Aérienne Européenne	85	1.3 (article 5) annex III may be closed until 2011 to comply with the French decision about the "grandfather rights"		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 5	T	IVW	99	Article 5 Gives only grandfather rights to AML's issued in accordance with JAA requirements, but not those issued with National requirements.	CAA-NL strongly requires that the National licences in the general aviation are subject to a transfer policy that leaves current privileges as they are.	Conversion of National licences is covered by Annex III (Part 66). No text change.
Article 5	T	DGAC France	162	Add in article 5 of the regulation : "3. Personnel who fulfil the conditions to be authorised to exercise maintenance release privileges in accordance with national regulations valid before the effective date of this regulation may exercise these privileges in the same conditions. Such personnel must be issued, before the 1st June 2011, an aircraft maintenance licence in accordance with the provisions of Part 66 annexed to this Regulation." 4. Personnel undergoing a course of approved basic or type training, or being in the course of obtaining appropriate experience, at the time of entry into force of this regulation in accordance with National aviation regulations valid before the effective date of this regulation, may continue to be qualified in accordance with these National aviation regulations. The qualifications gained following such training and experience will be recognised for the purposes of certification privileges in accordance with paragraph 3 above."	<u>Impracticable:</u> - A large number of certifying staff do not possess today a JAR 66 licence and can not be issued one before 28 September 2003. It is essential that such staff is authorised to continue releasing aircraft. - Under of JAR 66, a period of 10 years was established for the transfer of national qualifications to JAR 66 licences after large debate. No justification has been given to reduce the transition period. An appropriate transition period is essential, specifically for States which did not have any licensing system and where a serious work has to be done in order to define the appropriate conversion structure and decide of the appropriate limitations (a complete qualification history has to be established and compared with Part 66 requirements). In addition the JAR 10 year transition period was defined only for the conversion of certifying staff releasing maintenance of large commercial air transport aircraft (about 8 000 certifying to be concerted in France). It has to be acknowledged that the	See note on transition.
Article 5	T	FNAM France	171	Add new paragraphs as follows : "3. Personnel authorised to exercise maintenance release privileges under national regulation before the effective date of this regulation may continue to exercise these privileges. A Part 66 aircraft maintenance license, based upon existing qualification shall be granted to such personnel before the 31 May 2011, without further examination. The Part 66 aircraft maintenance license may contain technical limitations where the owner has not been qualified in accordance with Part 66, but these limitations do not change his certification privileges. The technical limitations will be cancelled when the owner passes the relevant conversion examination. 4. Personnel undergoing a course of approved basic or type training, or being in the course of obtaining appropriate experience, at the time of entry into force of this regulation and in compliance with National aviation regulations valid before the effective date of this regulation, may continue to be qualified according to these Nat	Transition to certifying staff licensing under JAR 66 had been planned initially on a 10 year period considering that in countries where personal licenses did not exist previously for mechanics, employers needed time to align. Conversion from JAR 66 to Part 66 do not change this statement. On the contrary it enlarges the problem by extending licensing to light aircraft certifying staff. The proposed text is consistent with the transition process for heavy aircraft maintenance that has been engaged in our country before June 2001 and approved by JAA Review board. In France, 8000 mechanics are concerned by the transition to individual licenses for maintenance of large aircrafts to whom 1500 will be added as employed in light aircraft maintenance.	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 5	T	IAA		See file ref: 0666_001.pdf		See note on transition.
Article 5	T	FOCA Switzerland	29	No objection for the case of "heavy" aircraft. For the case of "light" aircraft, the transition period for the conversion of nationally regulated licenses into Part 66 licenses Category B1.2 to B1.4 is too short.		See note on transition.
Article 5	T	Finnair	72	The grand father privileges of national licence holders should be extended to the original JAR requirement (2011)	It is doubtful whether the resources of maintenance organisations and National Authorities are adequate to handle the transformation within the proposed time frame.	See note on transition.
Article 5	T	LBA	55	As transfer period of JAR-66 was until 2011.		See note on transition.
Article 5 para. 1	T	Austro Control	081	Add the following new paragraph 3 to Article 5: " By derogation to paragraph 1, any aircraft maintenance licence and if any, the technical limitations associated with that licence, issued by the Member State in accordance with the national requirements and procedures and valid at the time of entry into force of this regulation and eligible for issue of an aircraft maintenance licence under JAR- 66, shall be valid until 28. September 2005 and may be converted to a licence according Annex III (Part 66) until that date. "	Transition similar to JAR-66.3(d) is missing. (10 years transition period initially provided by JAR 66 changed to immediate effectively.) This is a large impact to human rights and might be appealed. Add a new paragraph 3 to Article 5 to have an adequate timeframe for transferring existing national licences according Part 66.A70.	The intend of this proposal is now covered by Part-145 transition provisions from Article 7 of the Commission Regulation on the continuing airworthiness, which makes Part-66 mandatory for large aircraft on 28 September 2005.
Article 5 para. 2	T	Austro Control	081	Add at the end of paragraph 2 to Article 5 : "and has to be converted to the licence format according to Annex III at the first renewal of the JAR-66 licence."	This should clarify what happens with the limitations associated with the license based on the JAA Review Board document.	Already covered in Annex III (Part-66). No text change.
Article 5 para. 2 and article 6 para. 2	T	Swedish CAA	105	Different text proposed: Article 5.2: Any aircraft maintenance licence and if any, the technical limitations associated with that licence, issued by a Member State in accordance with national regulations and procedures...Article 6.2: Any maintenance organisation approval issued by a Member State in accordance with national regulations and procedures....	In order to cover for aircraft maintenance licenses and maintenance organisation approvals issued in accordance with national regulations. When the JAR-regulations are implemented they are part of national regulations.	Only the corresponding JAA requirements are deemed equivalent. No text change.
Article 6	T	Austro Control	081	Add the following new paragraph 3 to Article 6: " Applications processed by a Member State before 28. September 2003 may be finalised according to the regulations applicable before that date. "	Applications filed before 28. September 2003 should be processed according the law in force at the date of application. "legal security"	See note on transition.
Article 6	T	Régional Compagnie Aérienne Européenne	085	1.2 (article 6) level 2 findings associated with the differences between JAR 147 and Annex IV may be closed until 2 years (28/09/2005).		See note on transition.

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Article 6	T	DGAC France	162	<p>I – Amend paragraph 2 as follows: “2. Any maintenance training organisation approval issued by a Member State in accordance with the JAA requirements and procedures and valid at the time of entry into force of this Regulation shall be deemed to have been issued under this Regulation. Such approvals shall comply with the new provisions of Annex IV before 28 March 2007”</p> <p>II – Add a new requirement as follows: “Before 28 March 2007, the Agency shall develop a central question data bank to be used by approved organisations for basic knowledge examination.”</p>	<p><u>I - Implementation problem:</u> Reference to closure of finding is not appropriate (if the finding is notified in July 2004 should it be closed before July 2005 ?). In addition, there is no reason to reduce the transition period of article 56 of Regulation 1592.</p> <p><u>II – Implementation problem:</u> Full harmonisation will only be satisfied when the central data bank under development in the JAA is complete. This shall be the responsibility of the Agency.</p>	See note on transition.
Article 6	T	ERA	79	This paragraph allows for one year correcting any differences that may exist between JAR 147 and Annex IV. It is felt that this timescale is extremely tight. Does the Agency foresee any scope to extend this transition period?		See note on transition.
Article 6	T	ERA	79	This paragraph allows for one year correcting any differences that may exist between JAR 147 and Annex IV. It is felt that this timescale is extremely tight. Does the Agency foresee any scope to extend this transition period?		See note on transition.
Article 6 item no. 2.	T	CAA Finland	157	<p>Any training organisation approval issued by a Member State in accordance with..... The word maintenance to be replaced by the word “training” The consultation paper 1/2003-06-02 does not follow the Management Board’s Decision in all respects. Firstly, the existing JARs (145, 66, 147, OPS) are only applicable to Commercial Air Transportation (CAT). Therefore no JAR regulations exist for the maintenance and continued airworthiness of Aerial Work and General Aviation aircraft. There has never been a JAA NPA process concerning these products, and the transitional arrangements are therefore not relevant for this group of products. Also for CAT most of IR-M has not been directly derived from existing JAR material. A full regulatory process, including a Regulatory Impact Assessment, is thus required for the material that is not derived from existing and agreed JARs.</p>	<p>Rationale: This enormous set of documents includes new elements and arrangements that have not been tested before in most of the countries. Therefore the Authority should have the possibility to “run-up” the system, having still the possibility to correct and adjust the decisions, procedures, etc. in accordance with the experiences and latest rule interpretations.</p> <p>Rationale The Commission, in its Explanatory Note to Annex I (Part M) explains that Part M has no formal equivalent in the JAA system and the text has been drafted on the basis of draft JARs (no NPA-process) and existing national regulations from (some) Member States. The Commission also explains that JAR-OPS Subpart M only applied to aircraft used for commercial air transport and did not address the issue of airworthiness certificates, and has therefore been made more complete. Furthermore, the Commission itself states that the JAA system does not address the issue of approved organisations, which commonly exist in Europe, for the maintenance or co</p>	See notes on transition and consultation.

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Article 6 para. 2	T	Swiss FOCA	029	Due to the number of organisations involved and the resources required to conduct investigations, it is suggested to extend the period of compliance for organisations to a <u>period of 2 years</u> (instead of 1).		See note on transition.
Article 6 para. 2	T	ERA	079	This paragraph allows for one year closing any differences that may exist between JAR 147 and Annex IV. It is felt that this timescale is extremely tight. Does the Agency foresee any scope to extend this transition period?		See note on transition.
Article 6 para. 2	T	Austro Control	081	Change in the last sentence of Article 6 paragraph 2 "one year" to "two years"	Transition period should be extended to 28.9.2005. This gives the NAA the possibility to transfer all approvals within the two year surveillance period. No additional extensive activities between the periods required.	See note on transition.
Article 7	T	Belgian CAA	16	1. This Regulation shall enter into force on 28 September 2004. (Change "2003" into "2004")	For the commercial air transport, this planning is too short. The implications of this regulation require a transitional period as it was proposed in the ECAR-M Draft 3.3 (1.102 § b). Indeed, the PART-M introduces some concepts that require some adaptation for us. For example, "the Authority shall establish documented procedures detailing how compliance with this Part is accomplished". Moreover, it is said in M.B.103 that "the Agency shall develop acceptable means of compliance that the Member States may use to establish compliance with this Part". So, in this case, we must proceed step by step : <ul style="list-style-type: none"> - First step: study of the AMC. - Second step: study of the differences between our actual regulation and this AMC. - Third step: implementation of the documented procedures. The regulation is quite new for general aviation On the other hand, the regulation CE 1592/2002, in the article 56, introduces the possibility of a transitional period of 42 months (as from 28 September 2003).	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	Dassault Falcon	13	Replace all article 7 "Entry into Force" by : This regulation shall enter into force within 42 months after its publication	<p>1. This text includes a new regulation (Part M) and changes to the other existing regulations. If this text enters into force on 28 September, as proposed, all European industry will find itself not compliant with applicable rule. This will create confusion at the local levels.</p> <p>2. This state of non compliance could have a detrimental effect on the relations with the US federal aviation administration and time should be given to co-ordinate with the FAA.</p> <p>3. The implementation of the new rule will have a significant cost impact on the European industry, as it will take effort to put itself in compliance and to rearrange procedures to comply to the new requirements.</p> <p>4. There is a need to give to the European industrial community more chance to improve the text through a full industry- authority discussion.</p>	See general note on transition.
Article 7	T	EBAA	22	Part M is a completely new regulation. In the previous ECAR M1.102 draft, it was stated that ECAR-M becomes effective on 28th September 2003, but during a transition period of 42 months, i.e. up to 28th Mar. 2007, the Member States had the possibility to derogate in whole or in part from that regulation.	Basically, that regulation puts the previous draft ECAR's - M, -145, -66 & -147 within an EASA framework. However, with the "Commission Regulation EC No .../... on continuing airworthiness" (called hereinafter "basic Regulation") whose Parts -M, -145, -66 & -147 are Annexes, we have been astonished to discover some basic differences, which will certainly create very big problems if not modified.	See note on transition.
Article 7	T	EBAA	22	<i>Article 7 - Entry into force:</i> 1) <i>This regulation becomes effective on 28th September 2003</i> 2) <i>During a transitional period ending on the 28th March 2007, Member States may elect to derogate in whole or in part from that regulation according to the transition schedule of §3.</i> 3) <i>The Member State which derogates according to §2, must produce a transition schedule that defines the process of transitioning from national requirements to EASA regulation.</i>	<p>Now, Art.7 of the basic Regulation says that Part M is applicable as of 28 September 2005, except for the commercial air transport, for which it comes into force on 28 September 2003. No other transition period is left, except for some new paragraphs of Part 145. That means that</p> <p>- For aircraft not used in commercial air transport, there are only 2 years in which everything required by that new regulation have to be put in place:</p> <ul style="list-style-type: none"> o It is applicable to all types of aircraft, including gliders and balloons; o It introduces the Subpart F maintenance organisation to be approved; o It introduces the Subpart G continuing airworthiness organisation to be approved; o The Certificate of Airworthiness (CofA) of aircraft has no longer a validity limit as long as a valid 	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
					Airworthiness Review Certificate is attached; that means that the Member States must completely reorganise their fee system. For most Member States, this requires a major reorganisation, and the experience with JAR 1	
Article 7	T	CAA Malta	75	In the case of Malta as a new EC member state joining in May 2004, we understand that the Commission has declared that no transition is envisaged for such new states. On face value, this decision does not appear to differentiate between some of the new member states, such as Malta, that are not only full members of the JAA, but have also implemented all the published JAA Codes in full, many of which to the very latest amendment status. Based upon this decision, not only is the lack of any credit for the previous adoption and implementation of all the current JAA requirements an issue, but also if there is no reasonable implementation period permitted how are Industry and the Regulators supposed to meet these new requirements. The Commission should take into consideration all the following issues when developing transition periods; a) The implementation of the new rules by the member state NAA. b) Notification to the local Industry. c) Development of a workable transition plan to the new rule. d) Revision and		See note on transition.
Article 7	T	Swedish CAA	105	The Maintenance Draft Regulation does not mention any derogation from paragraph 1 for the provisions in Annex III. Time for such a derogation must be added to the regulation and should be 42 months in accordance with Article 56 of regulation 1592/2002.		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	CAA-UK	123a	Article 7 of the draft Commission Regulation "Entry into Force" makes no transition time provision for Sub part G processes for the issuance of Airworthiness Review Certificates (ARC) that are associated with the Certificate of Airworthiness. The ARC process is not currently in force through any existing JAR requirements. The Commission recognise in this draft Regulation of the need to provide sufficient time for the aeronautical industry and Member State administrations to adapt to the new regulations.	It is proposed that a transitional period of 2 years is introduced for the Certificate of Airworthiness/ ARC process and during this period the relevant national rules should apply.	See note on transition.
Article 7	T	CAA-UK	123a	Article 7 of the draft Commission Regulation "Entry into Force" makes no derogation provision for aircraft used for commercial air transport this means that on 28th September 2003; a) All UK operators currently issued with an AOC in accordance with JAR-OPS 1 or 3 (approximately 70%) will have insufficient time to identify and rectify any difference between JAR OPS and Annex 1. b) All UK operators currently issued with an AOC in accordance with the UK Air Navigation Order (approximately 30%) will not be in compliance with JAR OPS 1 or 3 and will have significant differences with Annex 1. c) All UK Balloon operators currently issued with an AOC in accordance with the UK Air Navigation Order (100%) will not be in compliance with Annex 1.	This is unacceptable to the UK and it is recommended that Article 7 paragraph 2 (a) of the Commission Regulation is changed to read " the provisions of Annex 1 related to the continuing airworthiness of aircraft and components intended for fitment thereto, shall enter into force on the 28th September 2005 and during the transition period Member States may continue to use National Rules.	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	DGAC France	162	<p>1 - Amend paragraph 2(a): OPTION A — Airworthiness reviews by approved organisations as proposed “2. By derogation to paragraph 1, (a) the provisions of Annex I related to the continuing airworthiness, including maintenance, of aircraft not used for commercial air transport, and components intended for fitment thereto, shall enter into force on 28 September 2005, however - the provisions related to the approval of continuing airworthiness management organisations shall enter into force on 28 September 2006, and - the provisions related to airworthiness reviews shall enter into force on 28 September 2009” OPTION B —Airworthiness reviews in accordance with State of Registry conditions “2. By derogation to paragraph 1, (a) the provisions of Annex I related to the continuing airworthiness, including maintenance, of aircraft not used for commercial air transport, and components intended for fitment thereto, shall enter into force on 28 September 2005, however the provisions related to airwor</p>	<p><u>I – Impracticable: OPTION A — Airworthiness reviews by approved organisations</u> <u>Option proposed in the draft</u> <u>Based on our experience on previous change of regulation and introduction of new approvals we estimate that:</u> <u>- _____ for continuing airworthiness management approval at least one year will be necessary for the diffusion in the industry of the new provisions then two years will be needed to grant all the approvals : 1) for existing regulation already in place for some years one year is not rare between the application and effective approval, 2) we estimate the number of organisations to be approved in France to 400):- _____ for continuing airworthiness management approval at least one year will be necessary for the diffusion in the industry of the new provisions then two years will be needed to grant all the approvals :</u> <u>- _____ for airworthiness reviews two years will be necessary for diffusion of information and training of the industry on provisions for which industry has no privileges to</u></p>	See note on transition.
Article 7	T	FNAM France	171	<p>The scope of the Regulation is larger than the scope of JAR 145 which was attached to (EEC) n° 3922/91 regulation, not only because it introduces 5 amendments to the initial version of JAR 145, but also because it covers the maintenance part of the operational rules (JAR OPS/M) and interferes with the Certification Regulation as regards the instructions for continuing airworthiness (initial maintenance program), the design of major modifications and repairs. <u>As a principle, such an important set of modifications should not be enforced without allowing the concerned persons and organisations appropriate delay to comply.</u> Although many paragraphs of the Regulation have already been implemented under Member States transposition of JAA common rules, the Regulation introduces several important innovations that cannot be applied in the time frame proposed in this article. We consider that several years will be necessary</p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				to comply with the whole of the Regulation, taking into account the different types of activit		
Article 7	T	Belgian CAA	16	1. This Regulation shall enter into force on 28 September 2004. (Change "2003" into "2004")	<p>For the commercial air transport, this planning is too short. The implications of this regulation require a transitional period as it was proposed in the ECAR-M Draft 3.3 (1.102 § b). Indeed, the PART-M introduces some concepts that require some adaptation for us. For example, "the Authority shall establish documented procedures detailing how compliance with this Part is accomplished". Moreover, it is said in M.B.103 that "the Agency shall develop acceptable means of compliance that the Member States may use to establish compliance with this Part". So, in this case, we must proceed step by step :</p> <ul style="list-style-type: none"> - First step: study of the AMC. - Second step: study of the differences between our actual regulation and this AMC. - Third step: implementation of the documented procedures. <p>The regulation is quite new for general aviation. On the other hand, the regulation CE 1592/2002, in the article 56, introduces the possibility of a transitional period of 42 months (as from 28 september 2003).</p>	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	Dassault Falcon	13	Replace all article 7 "Entry into Force" by : This regulation shall enter into force within 42 months after its publication	<p>1. This text includes a new regulation (Part M) and changes to the other existing regulations. If this text enters into force on 28 September, as proposed, all European industry will find itself not compliant with applicable rule. This will create confusion at the local levels.</p> <p>2. This state of non compliance could have a detrimental effect on the relations with the US federal aviation administration and time should be given to co-ordinate with the FAA.</p> <p>3. The implementation of the new rule will have a significant cost impact on the European industry, as it will take effort to put itself in compliance and to rearrange procedures to comply to the new requirements.</p> <p>4. There is a need to give to the European industrial community more chance to improve the text through a full industry- authority discussion.</p>	See note on transition.
Article 7	T	Swiss FOCA	29	We would like to emphasise our general impression that the transition and implementation periods, when fixed to only one or two years respectively, are too short. Authorities and industry as well need sufficient time to adapt their respective procedures to the new regulations. This aspect seems not to be reflected appropriately enough in the drafts. In addition the "grand-fathering" and mutual recognition procedures with respect to JAA Non-EU Member States are not clear enough and there is in our view a risk of negative impact on industry if the procedures are not clear and stringent for all the authorities involved after the 28. September. For reasons of clarification we would also prefer if in the implementing rules, where reference is made to "Member States", the reference would be amended to " <u>EASA</u> Member States", as also Non-EU Member States may join the Agency on the basis of Article 55 of the basic regulation.		See note on transition.
Article 7	T	Martinair	61	ECAR do not declare themselves effective. They come into force but are not effective. A rule can come in force declaring itself effective by an other date. The effectivity declared in former JAR regulations on which the ECAR Parts should be taken in to account. The dates mentioned in general memo no lie before the effectivity declared in JAR 145 Amendment 5. We advise to let the ECAR come in to force as planned with each ECAR Part containing its effectivity. For determining the effectivity a period should be chosen which is realistic for all		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				organisations involved in the process: EASA/JAA, Member State National Aviation Authorities, Operators and Maintenance Organisations.		
Article 7	T	European Independent Maint. Group	115	EIMG would however request that there is due consideration of the impact both in safety terms and financial impact of making the transition in what is generally agreed by industry as an inappropriate time frame.		See note on transition.
Article 7	T	European Independent Maint. Group	115	EIMG together with other industry representative groups such as the UK British Air Transport Association, Operators Technical Group strongly urge a reconsideration of the transition time and to take due time to review the comments and embody the required changes in the draft Implementing Rules.		See notes on transition and consultation.
Article 7	T	Norwegian air ambulance	169	Both the national authorities and the industry need the transition period of 42 months in order to convert from the JAA system into the EASA system. There is a great need for information on the new system to all parties involved and to perform training courses, re-write applicable manuals, achieve approvals from the NAA's and introduce the new requirements with new procedures. As the new system introduces significant changes, both the NAA's and the industry has to develop and introduce new procedures, documents etc., the proposed transition period is needed. Each NAA has to agree with the industry on an implementing schedule in order to keep business running as usual. This will also give more time for new EC member states to be included and revised bi-lateral arrangements to be implemented. The present JAA system works satisfactorily with mutual recognition and there is no safety impact on introducing a transition period. By accepting a transition period the new system will be implemented in a controlled w	General comment. There should be a transition period of 42 months, ending 07. March 2007 from the JAA system into the EASA system for all the maintenance parts mentioned in the EC regulation. The Maintenance parts are the: Article 3, Continuing airworthiness requirements. Article 4, Maintenance organisation approvals. Article 5, Certifying staff. Article 6, Training organisation requirements	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	ERA	079	During the compilation stages of the draft Implementing Rules, all of the IRs contained a 42 month transition period. However, in the IRs issued under this consultation process, this 42 month transition period has been removed. Furthermore the only place in which any mention of a transition period is made is contained within the explanatory notes that accompany the individual IRs. This, in effect, would mean that following transition to EASA on 28 September 2003, every single approved organisation would not be in compliance with the rules. Can the Agency please explain why the original 42 month transition period was removed during the legal review process? Additionally, can the Agency explain what steps will be taken to ensure that the NAA's do not place a burden on Industry by issuing copious quantities of Non Conformance reports when auditing under the new rules. Finally, as has been stated many times above, it is felt that a 1 year timescale is extremely tight. Does the Agency foresee any scope to extend t		See note on transition.
Article 7	T	Swedish CAA	105	Regulation (EC) No 1592/2002 article 56.2 reads: "During an additional transition period of 42 months from the date referred to in paragraph 1, Member States may continue to issue certificates and approvals by way of derogation from the provisions of Articles 5, 6, 9 and 15 under the conditions specified by the Commission in the implementing rules adopted for their application....."	The time aspect is a general problem that has to be addressed. The time given for consultation have been too short considering the extensive material and the proposed implementing rules need more review before they can be considered ready for adoption. The entry into force dates in general does not allow neither authorities nor the market enough time to adjust. This can have serious effects on the industry and certain activities may have to shut down. We cannot accept this to happen because enough time is not allowed and this could definitely not have been the purpose. We therefore recommend that the 42 month transition period is used to give everyone involved reasonable time to adjust and prepare.	See note on transition.
Article 7	T	Swedish CAA	105	We expect different situations that can be difficult or impossible to handle if national regulations does not apply. In order to avoid such situations we suggest that national regulations are applicable during a transition period and that grandfather rights generally apply in all areas.		See note on transition.
Article 7	T	J Lixl, Austrian Exam Comm. for Maint. Eng.	127	Please see file 127		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	Martinair Maintenance & Engineering	61	ECAR Part 145 does not declare itself effective, there is no date of effectively. The text mentioned in the explanatory note mentions dates of 28 September 2003 and 2005. The EC 1592/2002 law will still be in place if ECAR Part 145 will be amended, this means the part should contain its effectively, in necessary per paragraph as JAR 145 did previously. The mentioning of the effectivity also clears up and overrules / replaces the effectivity of JAR 145 Amendment 5. The mentioning of the effectivity also overrules the national laws declaring JAR 145 amendments effective. For example Dutch law now declares JAR 145 Amendment 4 effective (not Am 5). This possibly equals the situation in other EU member states. This means the Dutch companies and the authorities yet have to start implementing JAR 145 Amendment 5 now also need to implement ECAR 145, this means a longer transition period is needed then the periods mentioned in the General Memo.		See note on transition.
Article 7	T		61	Effectivity: ECAR do not declare themselves effective. The become into force but are not effective. A rule can come in force declaring itself effective by an other date. The effectivity declared in former JAR regulations on which the ECAR Parts should be taken in to account. The dates mentioned in general memo no lie before the effectivity declared in JAR 145 Amendment 5. We advise to let the ECAR come in to force as planned with each ECAR Part containing its effectivity. For determining the effectivity a period should be chosen which is realistic for all organisations involved in the process: EASA/JAA, Member State National Aviation Authorities, Operators and Maintenance Organisations.		See note on transition.
Article 7	T	FOCA Switzerland	29	We would like to emphasise our general impression that the transition and implementation periods, when fixed to only one or two years respectively, are too short. Authorities and industry as well need sufficient time to adapt their respective procedures to the new regulations. This aspect seems not to be reflected appropriately enough in the drafts. In addition the "grand-fathering" and mutual recognition procedures with respect to JAA Non-EU Member States are not clear enough and there is in our view a risk of negative impact on industry if the procedures are not clear and stringent for all the authorities involved after the 28. September. For reasons of clarification we would also prefer if in the implementing rules, where reference is made to "Member States", the reference would be		See general notes on transition and on the consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				amended to " <u>EASA</u> Member States", as also Non-EU Member States may join the Agency on the basis of Article 55 of the basic regulation. No fundamental objections. The transfer of several former JAR-66 requirements & AMC to future		
Article 7	T	Aerospace Industries Association (AIA)	84	The transition from JAA to EASA requires a substantial effort in order for maintenance organizations, particularly those in non-member countries, to come into compliance and to be audited to confirm that compliance. The lack of a sufficient transition period is both impractical and impossible, particularly for those in non-member countries where bilateral issues will also present challenges. We again reiterate the need for the maximum 42-month transition period.		See note on transition.
Article 7	T	European Regional Airlines Assoc. (ERA)	079	This paragraph requires the establishment of a safety and quality policy, a document that is fundamental to the operation of the organisation. However, in Article 7 of the Commission Regulation, paragraph 2 (b) allows for a two year transition, i.e. until 28 September 2005. Can the Agency please explain the rationale behind this?		Text changed.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	KLM Engineering & Maintenance	20	<p>145.12 Transition From the effective date of ECAR-145 any JAR 145 approvals issued by JAA full member states that are also EU member states shall be recognised as equivalent to ECAR-145 approvals until 27 March 2007 unless the approval is surrendered, suspended, revoked, expired or superseded by the grant of an ECAR-145 approval.</p> <p>Current Explanatory Note on ECAR 145 shows:</p> <p>1.3 Transitional measures and entry into force It is envisaged that this Annex would apply from 28 September 2003, in as much as it replicates provisions already included in Community law. The entry into force of new elements extracted from amendment 5 to JAR 145, TGLs or JAR 145 Section 2 which require adaptation time, as detailed in Article 7 of the regulation are delayed until 28 September 2005. It is also envisaged that organisation approvals issued by a Member State which are valid at the time of entry into force of this Regulation would be deemed to have been issued under this Regulation and that one year would be provided to correc</p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T			<p>This means that for the items mentioned in Article 7 a two year compliance period is valid and for the rest of the items of ECAR 145 a one-year period is determined after the start of EASA. According to the minutes of MST-13, deviations from Part-145 will be considered as Level 2 findings and this one year would be provided to close these findings (The latter being in accordance with the explanatory notes para 1.3).</p> <p>The major concern with this one-year period is that on quite a lot of documents, pre-printed reference is made to JAR paragraphs, especially 145.50 (e.g. JAA Form Ones, Certifying Staff authorisation documents, MOE, ATL etc.). The industry will have to incur additional costs when having only one year to make all these adjustment. Note: allowing a longer period would make it possible to make the adjustments at a moment that the issue and/or reproduction of the document concerned is necessary anyway.</p> <p>This implies that the latest transition measures are much more severe than the transition meas</p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	A. Kalshoven, Central JAA	31	<p>1. Ref Explanatory Note to Annex II [PART 145] para 1.3 'It is envisaged that this Annex would apply from 28 Sept 2003, in as much as it replicates provisions already included in Community law. The entry into force of new elements extracted from amendment 5 to JAR 145, TGLs or JAR 145 Section 2 which require adaptation time, as detailed in Article 7 of the regulation are delayed until 28 Sept 2005.'</p> <p>Article 7 does not provide for a derogation for the equivalent of JAR 145.60 (occurrence reporting) which has a compliance date of 1 Jan 2004, or JAR 145.30 (e) (human factors training) which has a compliance date of 1 July 2005. (Compliance dates from JAR 145 Amendment 5) This means JAR 145.60 & JAR 145.30 (e) now have a compliance date of 28 Sept 2003. In the case of 145.30 (e) the compliance date is to be brought forward by almost 2 years with only 10 weeks notice Why, in the short period since bringing out amendment 5, is it necessary to change the compliance dates for 145.60 and 145.30 (e)? Can the amendment</p>		See note on transition.
Article 7	T	CAA, Norway	131	<p>NDT requirement in Part 145 is different from JAR-145. In JAR-145 the organizations have to comply with the new requirement after 31 December 2003. We propose to keep this date so that the industry and our own CAA personnel can handle this appropriately.</p>		See note on transition.
Article 7	T	Aircraft Electronics Association	137	<p>The proposed EASA Part 145 regulation was presented as a simple transition from Joint Aviation Requirements to EASA Implementation Rules with minor technical changes as a result of EU legal review. However, EASA Part 145 introduces significant regulatory changes on maintenance organization working on non-commercial aircraft. The introduction of EASA Part 145 for general aviation maintenance organizations imposes significant organizational changes, significant personnel changes and significant financial burden to small businesses which are not in a position to absorb these additional costs. In addition to the general concern of expanded regulatory</p>		Part-145 is not mandatory for light aircraft not used in commercial air transportation.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				oversight and administrative burden to these small businesses, the 24 month delay proposed by the regulations is not factual. This 24 month delay is not the time for just the small business to conform to the new requirements but also includes the time that the competent authority has to develop and implement the governmental infrastructure to support the additional r		
Article 7	T	Aircraft Electronics Association	-	<p>The timeline for the extension of Part 145 to aircraft below 5700 kg is much too aggressive. The extension of Part 66 for aircraft below 5700 kg is not effective before 28 September 2005, therefore the certifying staff required by 145.A.30 will not be available for two years. The implantation date for the extension of Part 145 to aircraft below 5700kg should not be earlier than two years after the implementation date of Part 66 for aircraft below 5700 kg.</p> <p>Recommended Change: Add the following sentence at the end of the paragraph 1.3: "For aeroplanes below 5700kg, the regulation is delayed until two years after the implementation date of Part 66 for aeroplanes below 5700kg."</p>		See note on transition.
Article 7	T	DBA Luftfahrtgesellschaft	101	In the explanatory memorandum 1/2003-06-02 you are talking under d) Transition measures about a one year transition and under V. e) Entry into force, that "the entry into force of some provisions of the Annexes is therefore delayed by two years as appropriate" for the continuing airworthiness requirements. But here is no information in the Annexes itself, which provisions this will be and how to keep the industry, in our case the airline, running on a legal basis until the necessary approvals have been issued by the competent authority. We do not expect that the regulations will be put in place early enough to get all approvals until 28 September 2003.	Please advise how and in which timeframe the transition from JAR regulations to EASA regulations will be handled.	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7	T	IAAG	158	<p>Consultation period.</p> <p>Even though the draft regulation is of major interest and concern for us, we do not have enough manpower to devote anyone full time to studying the proposed texts, and to make, within such a short period of time, final comments. We doubt we are the only of our kind, and want first to stress that new issues are likely to be raised long after today's deadline. In consequence, we would like to suggest that all parts or paragraphs which do not need to be implemented within such a tight timeframe (at minimum, reference to article 7) are kept "reserved" and opened to later comments.</p> <p>Insufficient transition period.</p> <p>We understand that at the end of the transition period, 28 March 2008, all maintenance, including general aviation, will have to abide by the new rules. We seriously doubt, considering the priority given to transport aviation and the overall workload for the authority, that all maintenance personnel involved in general aviation will have in time the opportunity to get the licences wh</p>	Furthermore, a State organisation is given the possibility to control independently its own quality. This, combined with the first point, seems to leave the possibility that two different independent government authorities run and/or control in parallel different courses. This does not seem a proper way for harmonisation.	See note on transition.
Article 7 Entry into force	T	CAA-UK	118	The proposed implementation dates are unnecessarily restrictive and leave insufficient time for NAA's to plan transition. The consequences of attempting compliance are extensive and would cause unnecessary difficulties to the industry.		See note on transition.
Article 7 Entry into force	T	CAA-UK	118	The proposed implementation dates are unnecessarily restrictive and leave insufficient time for NAA's to plan transition. The consequences of attempting compliance are extensive and would cause unnecessary difficulties to the industry.		See note on transition.
Article 7 para. 2 (a)	T	CAA UK	123a	CAA administer the oversight of a total of 409 UK located 145 approved organisations, 62 overseas located approved organisations, 210 AOC holders and 74 domestic M3 approved light aircraft CtAw organisations. All of these are affected by the introduction of Part M and are candidates for seeking one or more approvals under this part of the regulation. In order to complete the transition to Part M a number of steps are required of the CAA as a competent authority. This includes the provision of staff training for the Part M and the establishment of procedures that detail how the CAA will administer its responsibilities and achieve compliance for Section B of the rule. Subsequent to this, an audit is required		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				to determine that the approved organisations comply with the requirements of Part M. As Part M is a new rule with a number of elements there is a considerable resource and work impact on the CAA as a competent authority to establish the necessary procedures and training for its staff to administer this		
Article 7 para. 2 (b)	T	CAA Ireland	154	See file 154		See general note on transition.
Article 7 para. 1	T	ERA	79	This paragraph states that the Regulation will enter into force on 28 September 2003. As the Explanatory Memorandum states at paragraph II.6 that the comment period may be extended "in light of the nature of the comments received", how can this date of entry into force be defined at this stage?		See general note on transition.
Article 7 para. 2	T	IAA		See file ref: 0663_001.pdf		See note on transition.
Article 7 para. 2	T	IAA		See file ref: 0672_001.pdf		See note on transition.
Article 7 para. 2 (a)	T	Austro Control	81	Change the text of Article 7 paragraph 2 (a) as follows: "(a) the provisions of Annex I related to the continuing airworthiness of aircraft and components intended for fitment thereto, shall enter into force on 28. September 2005, and;"	A transition period for commercial air transport until 28.9.2005 should be established. This gives the Subpart G organisations sufficient time to review the required approvals within the two year surveillance period. Not all JAA Member States have already implemented Subpart M of JAR-OPS 1 and JAR-OPS 3!!	See note on transition.
Article 7 para. 2 (a)	T	Swedish CAA	105	The only derogation from Annex I is related to the continuing airworthiness of aircraft <u>not</u> used for commercial air transport for which the provisions shall enter into force on 28 September 2005. It then follows that the whole Annex I is applicable on 28 September 2003 for commercial transport. There will be no Continuing Airworthiness Management Organisations approved on 28 September 2003. Therefore additional derogations are needed from all Sections of Annex I dealing with continued validity of C of A. Proposed text: Additional derogation is needed and time for such derogation should be 42 months in accordance with Article 56 of Regulation 1592/2002.		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Article 7 para. 2 (a)	T	FNAM France	171	(a) "the provisions of Annex I related to the continuing airworthiness of aircraft not used for commercial air transport, and components intended for fitment thereto, shall enter into force on <u>28 September 2007</u> , and ;"	See also comment on General Memo. As indicated, "a large part of the Annex related to the continuing airworthiness of aircraft has no equivalent in the JAA system". Compliance will necessitate important changes in the field of airworthiness management of a/c, not only for general aviation, and the settlement of new organisations approved for performing airworthiness reviews and for delivering airworthiness certificates. National authorities need time to prepare documents and procedures for continuing airworthiness management organisation approval and for airworthiness review organisation approval. Operators need time to assimilate the new rules, conduct cost analysis and prepare their transition plans. In our country, all of them need time to prepare and manage the transition from the single existing national agency, in charge, at present, of airworthiness review of all aircrafts and defrayed on the basis of a public tariff (GSAC), to several european, newly approved, organisations, being either part of oper	See note on transition.
Article 7 para. 2 (a) and (b)	T	IVW	99	A transfer period to fully implement the new subjects of this regulation or this regulation for Non commercial air transport or aircraft below 5700 kg. of 2 years is to short.	CAA-NL strongly suggests to make use of the full 42 months as permitted by regulation 1592/2002.	See note on transition.
Article 7 para. 2 (b)	T	FNAM France	171	(b) "the following provisions of Annex II, shall enter into force <u>at different dates, as follows</u> : - <u>145.A.30 (j) (1) and (2) appendix 4 on 28 September 2005.</u> - <u>145.A.65 (a) & (b), and 145.A.70 (a)(2) & (12) on 28 September 2007.</u> - <u>145.A.30 (g) and (h) on 28 September 2011.</u>		See note on transition.
Article 7 para.2 (b)	T	IVW	99	The CAA-NL strongly recommends including in article 7.2(b) the paragraph 145.A.30 (e) with regards to "Human Factors and Human Performance" since the JAR 145 implementing date was 1 July 2005.		See note on transition.
Article 7 para.2 (b)	T	Swedish CAA	105	According to Article 7.2. b) in the Maintenance Draft Regulation the provisions for Article 145.A.30 (h) (2) shall enter into force on 28 september 2005 as applicable for aircraft below 5700 kg. Article 145.A.30 (h) (2) includes aeroplanes with a maximum take-off mass below 5700 kg and helicopters with a maximum take-off mass below 3 175 kg. Is the enter into force date valid for helicopters with a maximum take-off mass below 5700 kg or should it be valid for helicopters below 3 175 kg?		See note on transition.

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Articles 5 and 7	T	Air France	86	Commission Regulation (EC) N°... of (...) on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks A transition period to maintain the grand-father rights beyond the 28 September 2003 must be defined. The length of this transition period, initially 10 years, cannot be less than the 42 months transition period initially planned between JAA organisation and EASA organisation. We strongly request to maintain the grand-father rights to a date not before 27 march 2007.	There is not defined transition period for the grand-father rights after the 28 September 2003. Furthermore this proposal is in accordance with the following text of the "Commission Regulation (EC) N°... on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks": Paragraph (6): "It is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to the new regulatory framework ..."	See note on transition.
EN 1.3	T	Lufthansa AG Germany	21	Entry into force for commercial air transport on 28 September 2003 is completely unrealistic for both, industry and member states (authorities). At least a 12 months transitional phase should be planned.		See note on transition.
EN 1.3	T	Michael Loges, Rolls-Royce, Germany	51	Change from 28. Sept. 2003 in: latest after 12 month of entry into force of this regulation.		See note on transition.
Explanatory Note 1.3	T	GAMTA	151	The proposed time line for the implementation of EASA Part 66 for aeroplanes with a maximum takeoff mass below 5,700 kg and helicopters with a maximum takeoff mass below 3175 kg is extremely aggressive. Each National Aviation Authority must develop initial qualification procedures and transition validation procedures; each affected aircraft maintenance technicians must develop and document the requisite experience to defend transition to the new Part 66 licenses, supplemental training will be necessary to complete experience requirements; initial aircraft type training courses must be developed; all before the operation implementation of EASA Part 66 can reasonably be expected to be operational.. The 24 month time line is appropriate for the NAAs to establish the basis of the transition programs. It will however take another 24 months for technicians to transition to the new regulations therefore an implementation date before 28 September 2007 is not realistic. To compound this issue is the existing promis		See note on transition.

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Explanatory Note 1.3	T	CAA, Finland	157	<p>According to Maintenance Draft Regulation Article 7 item 2. (b) PART 66 licence is compulsory in 145 organisations starting from 28th of september 2003 (according to 145.30 (h) 2.) for maintenance of aeroplanes mtom 5700 kg and above and helicopters mtom above 3175 kg. This is too short transition period to convert national licenses.</p> <p>Transition period of 42 months as mentioned in the EU Regulation No 1592/2002 article 56/ 2. should be inserted in the Article 7 of the Maintenance Draft, concerning validity of national licenses. Requesting conversion earlier than the last date (1.6.2011) given in the JAR-66 is unreasonable for maintenance organisations which use only national licenses as well as to the national aviation authorities.</p>		See note on transition.
Explanatory Note 1.3	T	Aircraft Electronics Association	142	<p>The proposed time line for the implementation of EASA Part 66 for aeroplanes with a maximum takeoff mass below 5,700 kg and helicopters with a maximum takeoff mass below 3175 kg is extremely aggressive.</p> <p>Each National Aviation Authority must develop initial qualification procedures and transition validation procedures; each affected aircraft maintenance technicians must develop and document the requisite experience to defend transition to the new Part 66 licenses, supplemental training will be necessary to complete experience requirements; initial aircraft type training courses must be developed; all before the operation implementation of EASA Part 66 can reasonably be expected to be operational.</p> <p>The initial 24 month proposed time line is appropriate for the NAAs to establish the basis of the transition programs. However it will take another 24 months for technicians to transition to the new regulations therefore an implementation date before 28 September 2007 is not realistic. To compound this issue is the ex</p>		See note on transition.
Explanatory Note 1.3	T	LFV, Sweden	105	<p>Explanatory Note – Part 66, 1.3 Transitional measures reads: "It is envisaged that certifying staff would only have to be qualified in accordance with the provisions of Annex III by 28 September 2005. This should provide sufficient time for national administrations, personnel and organisations to adapt to the new regulatory environment".</p> <p>The Maintenance Draft Regulation does not mention any derogation from paragraph 1 for the provisions in Annex III. Time for such a derogation must be added to the regulation</p>		See note on transition.

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				and should be 42 months in accordance with Article 56 of regulation 1592/2002.		
Explanatory Note 1.3	T	British Airways	64	Recommend a transition period extension to at least 2007.	The cutover date of 28 September 2005 does not provide an adequate time scale to implement the changes recommended within the stated transition period in a risk free and effective manner, taking into account the planning, resources and cost involved.	See note on transition.
Explanatory Note 1.3	T	Air France	86	A transition period to request a Part 66 licence on grand-father law basis must be defined. The length of this transition period, initially 10 years, cannot be less than the 42 months transition period initially planned between JAA organisation and EASA organisation. We remind that French Authority being able to deliver JAR 66 licences only since December 2002, a realistic transition period must be defined for processing thousands 66 licences. Thus we strongly request to refer to a last date not before 27 march 2007 for the aircraft certifying staff to be qualified in accordance with Part 66 on grand-father law basis. "It is envisaged that aircraft certifying staff would only have to be qualified in accordance with the provisions of Annex III by 27 march 2007."	The length of the transition period, initially 10 years, cannot be less than the 42 months transition period initially planned between JAA organisation and EASA organisation. This proposed date is in relationship with the proposed realistic transition period to obtain Part 66 licences on grand-father law basis.	See note on transition.
Explanatory Note 1.3	T	Lufthansa Technik	21	First sentence. It is a absolute unnecessary burden for the industry to cope with the regulations from Part-66 by Sept. 2005 instead of the old target date, which was defined as June 2011. Recent experience indicates that also the Authorities of the Member States are not in the position to be able to handle such an amount of license-applications. As long as no economical or safety assessment has been conducted these transitional measures are not acceptable.		See note on transition.
Explanatory Note 1.3	T	Lufthansa Technik	21	First sentence. Since there is no AMC material available at the time the comment has to be raised it is unclear how all the conversion rules negotiated and set up by the JAA – 66 – Review Board are transferred into the IR's. It is necessary to preserve these results. As long as no economical or safety assessment has been conducted these transitional measures are not acceptable		See note on transition.

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Explanatory Note 1.3	T	LFV, Sweden	105	Explanatory Note – Part 66, 1.3 Transitional measures reads: "It is envisaged that certifying staff would only have to be qualified in accordance with the provisions of Annex III by 28 September 2005. This should provide sufficient time for national administrations, personnel and organisations to adapt to the new regulatory environment". The Maintenance Draft Regulation does not mention any derogation from paragraph 1 for the provisions in Annex III. Time for such a derogation must be added to the regulation and should be 42 months in accordance with Article 56 of regulation 1592/2002.		See note on transition.
Explanatory Note 1.3	T	Lufthansa Technik	21	Beside all transitional measures it must be possible as laid down in the previous JAR-66 to cross-qualify persons (new/additional type-rating) before they apply for a Part-66 licence.		See note on transition.
Explanatory Note 1.3	T	Air France	86	We ask to precise that requirement only concerns the aircraft certifying staff (the components certifying staff is not involved by this requirement). "It is envisaged that aircraft certifying staff would only have to be qualified in accordance with the provisions of Annex III ..."	In accordance with the document "Commission Regulation (EC) N°.../. of (...) on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks" (Article 2 "Definitions") it should be precised that the requirement only concerns the "aircraft certifying staff" (the components certifying staff is not involved by this requirement)	Component certifying staff are covered through national requirements (See Part-66.A.80)
Explanatory Note 1.3	T	Lufthansa Technik AG	148	It is a absolute unnecessary burden for the industry to cope with the regulations from Part-66 by Sept. 2005 instead of the old target date, which was defined as June 2011. Recent experience indicates that also the Authorities of the Member States are not in the position to be able to handle such an amount of license-applications. As long as no economical or safety assessment has been conducted these transitional measures are not acceptable.		See note on transition.
Explanatory Note 1.3	T	Lufthansa Technik AG	148	Beside all transitional measures it must be possible as laid down in the previous JAR-66 to cross-qualify persons (new/additional type-rating) before they apply for a Part-66 licence.		See note on transition.
Explanatory Note 1.3	T	Lufthansa Technik AG	148	Since there is no AMC material available at the time the comment has to be raised it is unclear how all the conversion rules negotiated and set up by the JAA – 66 – Review Board are transferred into the IR´s. It is necessary to preserve these results.		Reports may be issued on the basis of the JAR 66 Review Board. No change.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				As long as no economical or safety assessment has been conducted these transitional measures are not acceptable.		
Explanatory Note 1.3 (see also 66.A.70 and 66.B.130)	T	CAA, Denmark	121	Part 66.B130(a) <i>only conversion in accordance with a conversion report.</i> <i>Review Board report prepared under JAA system seems not to be accepted under part 66.B.130(a). New Report to be prepared for each applicant.</i> <i>Clarification:</i> <i>Explanatory Note to Annex II (part 66) add. 1.3 transitional measures suggest 2 years for adoption.</i> <i>If all training must be reviewed on an individual basis as given in 66.A.70 and 66.B.130 the adoption time suggested, 2 years, is to short.</i> <i>In general a more detailed guidance program needed for the adoption period.</i>		See note on transition.
Explanatory Note to Annex II 1.2.2	T	European Regional Airlines Assoc. (ERA)	079	This paragraph allows for one year to correct any differences that may exist between JAR 145 and Annex II.	It is felt that the 24 hour time limit that is specified in this scope to extend this transition period?	See note on transition.
Explanatory Note, 2.1(6)	T	IVW, The Netherlands	99	CAA-NL Suggests to harmonise the helicopter limits for Light aircraft for part 66 and Large aircraft for Part M. The relative small gap or overlap in these limits might create problems for Part M subpart F AMO's, to get the proper certifying staff, and might initiate non-conformances in this section of maintenance as licence holders or organisations might accidentally work outside their limits.		Text harmonised
Explanatory Note: 1.3	T	Aircraft Electronics Assoc. (AEA)	058	Recommended Change: Add the following sentence at the end of the paragraph 1.3: "For aeroplanes below 5700kg, the regulation is delayed until two years after the implementation date of Part 66 for aeroplanes below 5700kg."	The timeline for the extension of Part 145 to aircraft below 5700 kg is much too aggressive. The extension of Part 66 for aircraft below 5700 kg is not effective before 28 September 2005, therefore the certifying staff required by 145.A.30 will not be available for two years. The implantation date for the extension of Part 145 to aircraft below 5700kg should not be earlier than two years after the implementation date of Part 66 for aircraft below 5700 kg.	See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	T	DCA Malta	75	Based upon all the previous discussions at the JAA MST meetings and in line with EC Regulation 1592/2002, Article 56(2), it was understood that all of the transition from the JAA requirements to the EASA rules would be under a standard 42-month transition period. However, based upon what has been presented at the MST No 13 meeting and recorded within the minutes of that meeting, we are now led to understand that the various transition periods will not necessarily be 42 months, but could be the subject of the following reduced periods, or no period at all. Part 145 Rule Implementation Transition PeriodNone. Part 145 New rules introduced in Part 145 24 months. n the case of Malta as a new EC member state joining in May 2004, we understand that the Commission has declared that no transition is envisaged for such new states. On face value, this decision does not appear to differentiate between some of the new member states, such as Malta, that are not only full members of the JAA, but have also implemented all		See note on transition.
General	T	Aerospace Industries Association (AIA)	084	This Appendix is intended primarily for certifying staff of non-member states who are not qualified to Part 66 in accordance with Part 145A.30(j) 1 and 2. A grandfathering provision is necessary for those certifying staff in non-member countries currently performing maintenance that has been accepted by the JAA. Subparagraph "a." needs to be expanded to cover these staff.		No grandfather rights are needed, because compliance with Part-66 is not required in this case.
General	T	IVW, The Netherlands	99	A transfer period to fully implement the new subjects of this regulation or this regulation for Non commercial air transport or aircraft below 5700 kg. of 2 years is to short. CAA-NL strongly suggests to make use of the full 42 months as permitted by regulation 1592/2002.		See note on transition.
General	T	T. M. Gonzalez	84	The transition from JAA to EASA requires a substantial effort in order for maintenance organizations, particularly those in non-member countries, to come into compliance and to be audited to confirm that compliance. The lack of a sufficient transition period is both impractical and impossible, particularly for those in non-member countries where bilateral issues will also		See note on transition.

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				present challenges. We again reiterate the need for the maximum 42-month transition period.		
General	T	Urs Adam FOCA	29	There are no fundamental objections. But since Part M is a new requirement (no equivalent in the JAA system), the implementation dates are too short.		See note on transition.
General	T			<p>Entry into Force</p> <p>In the case of Malta as a new EC member state joining in May 2004, we understand that the Commission has declared that no transition is envisaged for such new states. On face value, this decision does not appear to differentiate between some of the new member states, such as Malta, that are not only full members of the JAA, but have also implemented all the published JAA Codes in full, many of which to the very latest amendment status. Based upon this decision, not only is the lack of any credit for the previous adoption and implementation of all the current JAA requirements an issue, but also if there is no reasonable implementation period permitted how are Industry and the Regulators supposed to meet these new requirements. The Commission should take into consideration all the following issues when developing transition periods;</p> <p>The implementation of the new rules by the member state NAA. Notification to the local Industry. Development of a workable transition plan to the new rule. Revi</p>		See note on transition.
General	T	Martinair Holland NV	61	Effectivity: ECAR do not declare themselves effective. The become into force but are not effective. A rule can come in force declaring itself effective by an other date. The effectivity declared in former JAR regulations on which the ECAR Parts should be taken in to account. The dates mentioned in general memo no lie before the effectivity declared in JAR 145 Amendment 5. We advise to let the ECAR come in to force as planned with each ECAR Part containing its effectivity. For determining the effectivity a period should be chosen which is		See general note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				realistic for all organisations involved in the process: EASA/JAA, Member State National Aviation Authorities, Operators and Maintenance Organisations.		
General	T	Pratt & Whitney		The transition from JAA to EASA requires a substantial "grandfathering" of many items. In some areas, such as the use of maintenance material, the issue is addressed for JAA approved organizations but not for currently JAA accepted organizations. Used aircraft component release certificates issued by appropriately approved <u>and accepted</u> organizations before the entry into force of EASA must remain valid. This subject must be specifically addressed to prevent any confusion or inconsistent interpretation.		See note on transition.
General	T	DBA Luftfahrtgesellschaft mbH	101	We have looked at the proposed Parts M and 145 mainly and found, that there have no transition periods been established for the introduction. In the explanatory memorandum 1/2003-06-02 you are talking under d) Transition measures about a one year transition under V. e) Entry into force, that "the entry into force of some provisions of the Annexes is therefore delayed by two years as appropriate" for the continuing airworthiness requirements. But there is no information in the Annexes itself, which provisions this will be and how to keep the industry, in our case the airline, running on a legal basis until the necessary approvals have been issued by the competent authority. We do not expect that the regulations will be put in place early enough to get all approvals until 28 September 2003. Please advise how and in which timeframe the transition from JAR regulations to EASA regulations will be handled.		See note on transition.
General	T	CAA, Latvia	112	Transitional period should be established for implementation of this document. In some aspects it is new, i.e. there is no JAA analogs. Additional text establishing transitional conditions should be added to this paragraph.		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General	T	Aircraft Electronics Association	152	<p>The Association does not support the proposed expansion of Part M to aircraft below 5700 kg. The proposed maintenance management imposed by the regulation is not appropriate to privately owned, privately-operated light aircraft with a maximum weight below 5700 kg.</p> <p>General aviation aircraft are maintained in conformance to manufacturer's maintenance programs.</p> <p>The requirement to individually approve each and every aircraft's maintenance program is administratively burdensome to individual National Aviation Authorities; extremely costly to individual owners/operators; and will introduce a lack of standardization essential to the improving safety of general aviation maintenance and operations.</p> <p>The proposed regulation will discourage growth in the ownership of general aviation aircraft. The proposal will channel limited financial resources away from safety enhancing cockpit technology in order to develop maintenance work cards and maintenance management plans.</p> <p>The administrative burden imposed by this proposal is not</p>		See notes on transition and consultation.
General	T	Warner van der Veer-Jehee M.A.KLM	017	<p>What are the milestones in the transition schedule to be developed by the Member state Authority (IVW) and how is harmonization of the Member states transition schedules in Europe achieved?</p>		See note on transition.
General	T	KLM	020	<p><i>(a) This ECAR-M becomes effective on 28th September 2003.</i></p> <p><i>(b) Except where stated in paragraph (c) during a transitional period ending on the 28th March 2007, Member States may elect to derogate in whole or in part from the provisions of this ECAR-M according to the transition schedule of Subpart A.2.</i></p> <p><i>(c) For commercial air transport, the requirements of ECAR-M1.201(h)3 - are applicable from the day this ECAR-M becomes effective.</i></p> <p><i>[ECAR-M1.201(h)3: - Be appropriately approved in accordance with ECAR-145 or make arrangements with such an organisation.]</i></p> <p>Subpart A2: Transitional measures and entry into force.</p> <p>It is envisaged that this Part would only apply to aircraft used for commercial air transport, and the components fitted thereto, from 28 September 2003. Its application to other aircraft would be postponed for two years to provide time for adaptation;</p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				during this period the continuing airworthiness of these aircraft and related components should be ensured on the basis of the national regulatio		
General	T	FOCA Switzerland	29	No objection for the case of "heavy" aircraft. For the case of "light" aircraft, the transition period for the conversion of nationally regulated licenses into Part 66 licenses Category B1.2 to B1.4 is too short.		See note on transition.
General 66 and Explanatory Note	T	Martinair Maintenance	61	The JAR 66 grandfather rights dates and terms (until 2011) should be incorporated into the ECAR 66 regulation.		See note on transition.
General 66 and Explanatory Note	T	Martinair Maintenance	61	Change context (JAA to EU) How about non EU but JAA staff (for example Swiss certifying staff) and its acceptance according ECAR 66. This should be taken care for to keep the possibility to hire AMT of JAA - non EU organisations based on their JAR 66 AML and the JAR 145 AMC.		See general note on the consequences of the entry into force of the Commission Regulation on the continuing airworthiness on foreign organisations and personnel.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General 66 and Explanatory Note	T	Tom Llewellyn, CJAA	70	From my understanding of the Explanatory Notes the "protected Rights of JAR-66 until 1/6/2011" will become reduced to 28 September 2005.	This is considered to be unacceptable for the following reasons: - We currently have in parts of Europe a shortage of certifying staff, for those who do not wish to obtain a part 66 Licence (reasons might include, nearing retirement age; lack of financial reward) means that such qualified and experienced people will be eliminated from the pool of certifying personnel. The examination standard being different and in some cases higher than the national system has in those states training in the JAR-66 standard seen very high failure rates. It is considered that these factors will aggregate the current shortage of certifying personnel felt by industry. - A cornerstone of accepting JAR-66 was the extended period allowing continued use of protected certifying privileges and the current proposals ignore this. - On what basis is a qualification issued in accordance with ICAO no longer valid, it seems that the loss of such privileges is undermining the ICAO standard that the EC Regulation is meant to sup	See note on transition.
General Comment	T	Tyrolean Airways	100	In some countries JAR 66 was not legally adopted, therefore a transition paragraph shall be introduced to grant that present holders of valid national licences (with certification rights) have to be issued a Part 66 licence without further examination but within the present technical limitations of their present national licence (Articel 8 of 1592/2002 allows this only on a conditional basis).		See note on transition.
General Comment	T	Martinair Maintenance	61	Effectivity: ECAR do not declare themselves effective. The become into force but are not effective. A rule can come in force declaring itself effective by an other date. The effectivity declared in former JAR regulations on which the ECAR Parts should be taken in to account. The dates mentioned in general memo no lie before the effectivity declared in JAR 145 Amendment 5. We advise to let the ECAR come in to force as planned with each ECAR Part containing its effectivity. For determining the effectivity a period should be chosen which is realistic for all organisations involved in the process: EASA/JAA, Member State National Aviation Authorities,		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				Operators and Maintenance Organisations.		
General Comment	T	Lufthansa Technik	21	Persons have been trained and examined in the recent past according to JAR-66 specifications. They will apply for a Part-66 license in the near future when a different scale (new and/or modified modules, different applicability's) is in force. This implies for transfer rules.		There are conversions provisions in Part-66
General Comment	T	CAA, Denmark	121	Transition period on Part 66 shall be 42 mths. due to the huge amount of certificates to be converted		See note on transition.
General Comment	T	CAA, Finland	157	The Regulation, Annexes and AMC-material should be treated as an entirety. Because a full influence of the norms cannot be evaluated without AMC-material, it is proposed that the adoption of all other Parts than Part 145 for commercial air transport and Part 21 should be postponed until a full regulatory process, including a Regulatory Impact Assessment, has been completed. See full comment and rationale in the cover letter 46/06/03 dated 17.07.2003.		See note on transition.
General Comment	T	IAAG	158	Uninsufficient transition period: We understand that at the end of the transition period, 28 March 2008, all maintenance, including general aviation, will have to abide by the new rules. We seriously doubt, considering the priority given to transport aviation and the overall workload for the authority, that all maintenance personnel involved in general aviation will have in time the opportunity to get the licences which shall replace their grandfather's rights. Presently, no regulation exists by which a training center can train general aviation mechanics (aircraft <5,7t), though they will be needed at work at the latest two years before 28 March 2007.		See note on transition.

Comment Response Document Regulation

Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
General Comment	T	Aircraft Electronics Association	142	<p>The Association does not support the proposed expansion of Part 66 to aircraft below 5700 kg. The proposed licensing does not conform to the progressive career paths of aviation/avionics maintenance technicians, the proposal is cost prohibitive, the current licensing and oversight of technicians of light aircraft does not support an expedited implementation of a transitional regulation.</p> <p>In addition, this proposal is cost prohibitive to the individual technicians and the small businesses that employ them. And the current oversight provided by the National Aviation Authorities currently provides an acceptable level of safety and does not support an accelerated EASA regulation.</p> <p>Recommended Change: Limit the 28 September 2003 implementation to aircraft maintenance technicians currently licensed under JAR 66.</p>		See note on transition.
M.A.201 (g)	T	DAC Luxembourg	129	<p>In the case of non commercial transportation activities with large aircraft, MA 201(g) makes mandatory to have maintenance carried out by Part-145 approved maintenance organisation.</p> <p>Today, line maintenance of majority of private large aircraft is carried out by the operator itself in the base of operation under control of DAC and the base maintenance is subcontracted to an approved organisation (JAR 145, FAR 145, DGAC, LBA etc.) which can be installed in an EU member State or in a non EU member State (Switzerland)</p> <p>Tomorrow, all the maintenance will have to be carried out by Part -145 organisation. DAC Luxembourg thinks that this requirement is extremely restricting and will affect directly the regularity of operation and consequently could affect safety.</p> <p>DAC Luxembourg thinks that the 2 years transition period mentionned in « Explanatory notes will not be sufficient to find the right solutions neither for DAC not for the private operators. DAC Luxembourg asks for a 4 years transition period as previous!</p>		See note on transition.
M.A.304	T	Warner van der Veer-Jehee M.A.KLM	017	<p>ECAR-21 approval of KLM E&M should be synchronized with transition schedule to ECAR-M (otherwise problems with current national approval procedures may occur. These are known in Netherlands as “KEI” and “EA” procedures)</p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
M.A.607 (b)	T	Aircraft Electronics Association	152	<p>Paragraph (b) provides the same relief as Part 145 for one-off certification for the return to service of aircraft that are grounded away from maintenance facilities.</p> <p>This proposed relief is identical to the relief granted for commercial aircraft utilized by the public traveler. Applying this same level of approval is extreme and not manageable for light aircraft.</p> <p>Light aircraft technicians will not be licensed in Europe before 28 September 2005, which means that a technician who qualifies to the provisions of Paragraph (b)(ii) will not be available in Europe before 28 September 2010. This is an unrealistic expectation and a flawed proposal.</p> <p>Recommended Change: Amend Paragraph (b)(ii) to read: to any person with a valid ICAO license rated on an aircraft of similar technology, construction and systems.</p>		See note on transition.
M.A.607 (b)	T	Richard A. Peri Aircraft Electronics Association	EASA – comment MA607 (b)	<p>Paragraph (b) provides the same relief as Part 145 for one-off certification for the return to service of aircraft that are grounded away from maintenance facilities.</p> <p>This proposed relief is identical to the relief granted for commercial aircraft utilized by the public traveler. Applying this same level of approval is extreme and not manageable for light aircraft.</p> <p>Light aircraft technicians will not be licensed in Europe before 28 September 2005, which means that a technician who qualifies to the provisions of Paragraph (b)(ii) will not be available in Europe before 28 September 2010. This is an unrealistic expectation and a flawed proposal.</p> <p>Recommended Change: Amend Paragraph (b)(ii) to read: to any person with a valid ICAO license rated on an aircraft of similar technology, construction and systems.</p>		See note on transition.
M.A.701	T	CAA Norway	131	<p><u>Certification of Airworthiness is a totally new concept, and it is impossible for us to train our staff and make procedures for this issue to be acceptable on 28 September 2003. The 42 months transition period should be kept.</u></p>		See note on transition.
M.A.701	T	CAA Norway	131	<p><u>There are need for new regulations regarding how to produce and how to charge for Certificate of Airworthiness, and these procedures to establish take longer than the 2 months available. We need the propsed 42 months transistion periode for our national legislation.</u></p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
M.A.701	T	CAA Norway	131	<u>We do not have such an organization as described in Subpart G today, and we are not able to do all the necessary work regarding new procedures for internal use to bring the industry up to this standard within the next two months. We propose the 42 months implementation periode time to be valid, as long as this do not affect flight safety issues.</u>		See note on transition.
M.A.707	T	Lufthansa AG Germany	021	For commercial air transport it is the intention to apply Part M by September 28 th 2003. In many cases operators will physically not be in the position to employ sufficient qualified and experienced airworthiness review staff instantaneously. There is a need for a transition phase for paragraph M.A. 707		See note on transition.
M.A.707	T	Philippe MUZELLE, Air France	086	Acceptance of the basic principle relevant to PART M but is not applicability as from September 28.2003 is not felt appropriate.	For commercial air transport it is the intention to apply Part M however , In many cases operators will physically not be in a position to have sufficient qualified and experienced airworthiness review staff to cope with above requirements The operator will need more time for a transition phase to paragraph M.A. 707	See note on transition.
M.A.710(b)	T	Jim Gibbons, KLM Engineering	130	The approved continuing airworthiness management organisation airworthiness review staff, shall carry out a physical survey of the aircraft. For this survey, airworthiness review staff <u>should comply with the requirements of ECAR-M 1.707 para (a) 1 to 5</u> <i>(To be read in conjunction with changes to M.A.707submitted by British Airways)</i> Some organisations would have to make significant structural changes or move responsibilities to accommodate the requirements. This could also lead to unnecessary Industrial Relation issues within the companies affected. Staff approved to carry out the Airworthiness Review are currently appropriately qualified and trained to standard acceptable to the member state NAA to carry out the physical aircraft survey. JAR-66/Part.66 is not as yet mandatory in most countries and some JAR-145 organisations still hold "grandfather rights" for Certifying staff that do not hold JAR-66 licenses. The cut off date is 2011 for conversion of old license to JAR-66. There might be experienced staffs		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
M.A.711 (b)	T	DAC Luxembourg	129	<p>In the case of commercial transportation activities, sub part G introduces in MA 711(b) a major change in Certificate of Airworthiness issue.</p> <p>Today, this task is carried out in Luxembourg by a contracted organisation under DAC delegation.</p> <p>We understand that tomorrow, Certificate of Airworthiness issue or recommendation will only be carried out by :</p> <ul style="list-style-type: none"> - A sub part G approved organisation staffed with personnel having five years experience and appropriate Part 66 licence and formal aeronautical maintenance training. - A Competent authority (ref MA 902 (e)) staffed with equivalent qualified personnel. <p>The organisation under contract with DAC does not correspond to these criteria.</p> <p>We have in Luxembourg 6 taxi organisations operating from 1 to 10 aircraft</p> <p>JAR-OPS approved which will not have the possibility to hire on time qualified persons for ARC issue or ARC recommendation. (financial aspect and difficulty to find and maintain qualification of such qualified persons).</p> <p>The reading of EA</p>		See note on transition.
M.B.701	T	DAC Luxembourg	129	<p>In the case of non commercial transportation activities with large aircraft,</p> <p>Item 1 comments are also valid for non commercial large aircraft</p> <p>Due to organisation changes required, DAC asks to postpone the effective date from September 2005 to September 2007.</p>		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
Transition Measures	T	CAA Malta	075	<p>Based upon all the previous discussions at the JAA MST meetings and in line with EC Regulation 1592/2002, Article 56(2), it was understood that all of the transition from the JAA requirements to the EASA rules would be under a standard 42-month transition period. However, based upon what has been presented at the MST No 13 meeting and recorded within the minutes of that meeting, we are now led to understand that the various transition periods will not necessarily be 42 months, but could be the subject of the following reduced periods, or no period at all;</p> <p>Part 66 & 147 Rule Implementation Transition Period - 24 months JAR-66 Protected Rights, reduced from - 10 to 2 years Part 66 Light Aircraft Rules - 24 months Part 145 Rule Implementation Transition Period - None Part 145 New rules introduced in Part 145 - 24 months Part M Non-Commercial Aviation - 24 months Part M Commercial Air Transport - None</p>	This reduction in transition periods will place both regulatory authorities and Industry in a very difficult position to achieve compliance. Furthermore the reduction of the period for JAR 66 protected rights is unfair for those aircraft certifying staff that have been notified in 2001 that their old licence privileges will be retained for ten years.	See note on transition.
Articles 2 and 7	T G	Aerospace Industries Association	170	<p>On a positive note, we see a more procedural approach to regulation whereby situations are to be covered in the MOE, rather than individual approvals from the NAAs. We believe that this will foster consistency of compliance and enforcement. On the negative side, as stated at the beginning of this paper, the lack of a sufficient transition period and the lack of grandfathering of existing return to service documentation remain critical issues that must be addressed. Further, we believe that the removal of the definitions section in favour of placing definitions through out the document is not as efficient as retaining the section and urge that this change be reconsidered.</p>		<p>Article 2: harmonises definitions throughout codes. Article 7: see general note on transition.</p>

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General	T G	J Sultana Malta CAA	75	It is noted that both the wording and application conditions vary between the above subject rules. As an example, within Parts 66, and 147 the application rules have an additional important condition that states “ An applicant who meets the appropriate requirements of this Part is entitled to (either be approved, or granted the licence) by the competent authority”. This has been removed from Part 145, and is not included within Part M Sub-Part F, or Sub-Part G at all. This issue may appear insignificant, but in reality the wording that is included within Parts 66 and 147 places the correct emphasis of the showing of compliance with the rules upon the applicant, and not directly the authority. We would recommend that such wording is put back into the Part 145 rule and also included within the applicable Sub-Parts. Of Part M Transition Measures. Based upon all the previous discussions at the JAA MST meetings and in line with EC Regulation 1592/2002, Article 56(2), it was understood that all of the transition f		Text changed in Part-66 and Part-147 to ensure consistency. See also note on transition.
Review and Comment Time Period	T G	CAA Malta	075	Given the extent and scope of all the material that has been posted covering the transition from JAA to EASA, it is simply not realistic to expect such detailed scrutiny of all this data to be completed effectively within the period that has been given. We would recommend that a full three-month period of review, consultation and comment be allowed, such that constructive thorough feedback can be given.		See notes on transition and consultation.
Article 3 and subsequent		Aerospace Industries Association (AIA)	84	The transition from JAA to EASA requires a substantial “grandfathering” of many items. In some areas, such as the use of maintenance material, the issue is addressed for JAA approved organizations but not for currently JAA accepted organizations. Used aircraft component release certificates issued by appropriately approved <u>and accepted</u> organizations before the entry into force of EASA must remain valid. This subject must be specifically addressed to prevent any		See note on transition.

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Paragraph	Cat.	Organisation	RD Ref.	Proposed text / Comment	Reason	Response
				<p>confusion or inconsistent interpretation. On the negative side, as stated at the beginning of this paper, the lack of a sufficient transition period and the lack of grandfathering of existing return to service documentation remain critical issues that must be addressed</p>		
General		IAA		See file ref: 0664_001.pdf (Time limited approvals)		Data could not be opened.