

**OPINION No 4/2005**

**OF THE EUROPEAN AVIATION SAFETY AGENCY**

**for amending Commission Regulation (EC) No 2042/2003, on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, to amend paragraph M.A.302 of Annex I thereof.**

## **I. General**

1. The purpose of this Opinion is to suggest the Commission to amend paragraph M.A.302 of Annex I (Part-M) to the Commission Regulation (EC) No 2042/2003<sup>1</sup> so as to demand that maintenance programmes be subject to periodic reviews and be amended when necessary.
2. The Opinion has been adopted, following the procedure specified by the Agency's Management Board<sup>2</sup>, in accordance with the provisions of Article 14 of Regulation (EC) No 1592/2002<sup>3</sup>.

## **II. Consultation**

3. The draft Opinion for a Commission Regulation amending Commission Regulation (EC) No 2042/2003 was published on the Agency website ([www.easa.eu.int](http://www.easa.eu.int)) on 18 October 2004.
4. By the closing date of 26 November 2004, the Agency had received 13 comments from 5 national authorities or private companies.
5. All comments received have been acknowledged and incorporated into a Comment Response Document (CRD), which was published on the Agency's web site on 10 December 2004. This CRD contains a list of all persons and/or organisations that have provided comments and the answers of the Agency

## **III. Content of the Opinion of the Agency**

6. This Opinion has been formulated in support of three initiatives resulting from fatal air accidents where the effects of aircraft age were considered to be significant factors.
7. The initiatives include the work of the Joint Aviation Authorities (JAA) working group on the Continued Airworthiness of Ageing Aircraft Structures, which resulted in the publication JAA TGL 47 (A&G Section 1 Part 3) which contains continued airworthiness information relevant to the operators maintenance programme. Two further initiatives, the work of the Ageing Transport Systems Rulemaking Advisory Committee (ATSRAC) for ageing aircraft systems and that arising from the "Fuel Tank Ignition Prevention reviews" are also anticipated to result in the publication of continued airworthiness information that will impact operators maintenance programmes.

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

<sup>2</sup> Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of Opinions, Certifications Specifications and Guidance Material. EASA MB/7/03 of 27.06.2003.

<sup>3</sup> OJ L 240, 7.09.2002, p. 1.

8. These initiatives in turn highlighted that JAR-OPS 1 subpart M Section 1 did not require operators to review their maintenance programmes as a result of Type Certificate holder's recommendations, such as revisions to Maintenance Review Board Reports, mandatory requirements, maintenance needs of the aircraft, etc.
9. In view of the safety implications of this continuing airworthiness information, it appeared necessary that an obligation for operators to review maintenance programmes as appropriate be placed in Section One of JAR-OPS Subpart M requirements, by adding two sub-paragraphs to JAR-OPS 1.910 and related AMC material.
10. The JAA have amended JAR-OPS subpart M and related AMC material to achieve this objective through amendment 7 of JAR-OPS published on 1 September 2004. This Opinion consists therefore of the transfer of this amendment into Part M and suggest the addition of sub-paragraphs f) and g) to paragraph M.A.302.

#### **IV. Regulatory Impact Assessment**

11. The measure proposed in the present Opinion is the transfer of existing approved JAA material. As all Member States are members of the JAA and have committed to implementing JAR OPS, it has no impact on operators already operating under JAR-OPS.

Cologne, 8 March 2005

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