



Explanatory Note to Decision 2022/011/R

Amendment of the Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1321/2014

‘SMS in Part-145’ and ‘Occurrence reporting’

RELATED NPA/CRD 2019-05(C) & OPINION No 04/2020 — RMT.0251 (MDM.055) PHASE II

RELATED NPA/CRD 2016-19 — RMT.0681

EXECUTIVE SUMMARY

The objective of this Decision is to support the transposition of the International Civil Aviation Organization (ICAO) Annex 19 Standards and Recommended Practices (SARPs) in the maintenance domain, and facilitate the implementation of safety management system (SMS) requirements introduced by Regulation (EU) 2021/1963 in Part-145 (Annex II to Regulation (EU) No 1321/2014).

This Decision amends primarily the Acceptable Means of Compliance (AMC) & Guidance Material (GM) to Part-145 in respect of the following topics:

- Introduction of a management system for Part-145 maintenance organisations;
- Introduction of a management system for competent authorities;
- Harmonisation of general organisation provisions and competent authority procedures with those of Part-CAMO (Annex Vc to Regulation (EU) No 1321/2014);
- Occurrence reporting (RMT.0681).

The Decision also amends the AMC & GM to Part-M, Part-66, Part-CAMO, Part-CAO and to the Articles of Regulation (EU) No 1321/2014, such that these remain consistent with the amended Part-145 regulatory material. Besides, an AMC to Part-CAMO is amended to address an implementation issue in relation to the qualification of the safety manager.

Domain:	Safety management		
Related rules:	AMC & GM to Regulation (EU) No 1321/2014 (continuing airworthiness)		
Affected stakeholders:	CAMOs, AMOs (Part-145) and NCAs		
Driver:	Safety	Rulemaking group:	No (but Focused Consultation Group)
Impact assessment:	Yes	Rulemaking Procedure:	Standard

EASA rulemaking procedure milestones

	Start Terms of Reference	Public Consultation	Proposal to the Commission Opinion No 04/2020	Adoption by Commission Regulation (EU) 2021/1963	Decision Acceptable Means of Compliance and Guidance Material
RMT.0251	12.7.2017	17.4.2019 (NPA 2019-05(C))	21.12.2020	8.11.2021	10.5.2022
RMT.0681	30.9.2015	19.12.2016 (NPA 2016-19)			



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1. About this Decision

The European Union Aviation Safety Agency (EASA) developed Decision 2022/011/R in line with Regulation (EU) 2018/1139¹ (the ‘Basic Regulation’) and the Rulemaking Procedure².

This Decision results primarily from the activities undertaken under rulemaking task RMT.0251 (SMS in Part-145), but also from activities of RMT.0681 (alignment of the IRs of the Basic Regulation and of the associated AMC & GM with Regulation (EU) No 376/2014³ on occurrence reporting). Both RMTs are included in Volume II of the European Plan for Aviation Safety (EPAS) for 2022-2026⁴. Their scope and timescales were defined in the related Terms of Reference (ToR).

1.1. RMT.0251

EASA developed the *draft* text of this Decision based on the input of a Focused Consultation Group (FCG). All the interested parties were consulted through Notice of Proposed Amendment (NPA) 2019-05(C)⁵. Comments were received from interested parties, including industry and national competent authorities (NCAs).

EASA reviewed the comments received during the public consultation with the support of the FCG. The summary of comments received and EASA’s responses to them are presented in Comment-Response Document (CRD) 2019-05(C)⁶. Based on the input from the consultation, EASA developed the *final* text of this Decision, and published the Decision on the Official Publication⁷ of EASA.

The major milestones of this RMT are presented on the cover page.

1.2. RMT.0681

EASA developed the *draft* text of the related Part-145 AMC & GM. All the interested parties were consulted through NPA 2016-19⁸, issued on 29 December 2016. Comments were received from interested parties, including industry and NCAs.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

² EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the ‘Rulemaking Procedure’. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

³ Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0376&qid=1649243542314>).

⁴ <https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2022-2026>

⁵ In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 6(3) and 7 of the Rulemaking Procedure.

⁶ <https://www.easa.europa.eu/document-library/comment-response-documents>

⁷ <https://www.easa.europa.eu/official-publication>

⁸ In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 6(3) and 7 of the Rulemaking Procedure.



EASA reviewed the comments received during the public consultation. The comments received and EASA's responses to them were presented in CRD 2016-19⁹, published on 24 May 2019.

EASA developed the *final* text of this Decision based on the input of the public consultation, and published the Decision on the Official Publication¹⁰ of EASA.

The major milestones of this RMT are presented on the cover page.

⁹ <https://www.easa.europa.eu/document-library/comment-response-documents>

¹⁰ <https://www.easa.europa.eu/official-publication>



2. In summary — why and what

2.1. Why we need to amend the AMC and GM — issue/rationale

Commission implementing Regulation (EU) 2021/1963¹¹ was adopted on 8 November 2021 and published in the EU Official Journal on 12 November 2021. This Regulation amends Commission Regulation (EU) No 1321/2014¹² (the Continuing Airworthiness Regulation) as regards safety management systems in Part-145 maintenance organisations. It also harmonises general organisation provisions (such as continued validity, findings or changes), as well as competent authority requirements with those of Part-CAMO (Annex Vc to the Continuing Airworthiness Regulation). Lastly, it amends the occurrence reporting requirements to ensure that they are aligned with those of Regulation (EU) No 376/2014.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Decision will contribute to achieving the overall objectives by addressing the issues described in Section 2.1.

The specific objective of this Decision is to facilitate the implementation of the requirements introduced in the Continuing Airworthiness Regulation following the adoption of Regulation (EU) 2021/1963, and in particular:

- to ensure implementation of the ICAO Annex 19 (SMS) SARPs by Part-145 maintenance organisations, as part of a management system required by Section 3.1 of Annex II to the Basic Regulation;
- to facilitate the implementation of SMS principles for organisations holding a Part-145 approval in conjunction with a Part-CAMO approval and/or an air operator certificate (AOC);
- to streamline the procedures for oversight with a set of common provisions for competent authorities to increase their efficiency;
- to clarify the implementation within Part-145 of occurrence-reporting systems compliant with the Basic Regulation and Regulation (EU) No 376/2014; and
- to address an implementation issue in relation to the qualification of the Part-CAMO safety manager.

2.3. How we want to achieve it — amendments to the Part-145 AMC & GM

To achieve the objectives laid down in Section 2.2, the majority of the amendments issued with this Decision are based on the Part-CAMO AMC & GM as adopted by Decision 2020/002/R¹³ of 13 March

¹¹ Commission Implementing Regulation (EU) 2021/1963 of 8 November 2021 amending Regulation (EU) No 1321/2014 as regards safety management systems in maintenance organisations and correcting that Regulation (OJ L 400, 12.11.2021, p. 18) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1963&qid=1649243274411>).

¹² Commission Regulation (EU) No 1321/2014 of 26 November 2014 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 362, 17.12.2014, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R1321&qid=1649243353300>).

¹³ <https://www.easa.europa.eu/document-library/agency-decisions/ed-decision-2020002r>

2020, themselves based on the AMC & GM to Subparts Gen of Part-ARO and Part-ORO (Annexes II and III to Regulation (EU) No 965/2012¹⁴).

Another important part of the amendments to the AMC & GM comes from the adaptation of existing Part-145 AMC & GM to integrate (and benefit from) various aspects of SMS, such that these become part of the daily business of the Part-145 organisations. These SMS aspects integrated in existing Part-145 AMC & GM include:

- new concepts and policy (e.g. just culture, safety policy and objectives);
- new terminology (e.g. ‘compliance monitoring’ instead of ‘quality system’, ‘safety training’ instead of ‘HF training’);
- new organisation processes (e.g. internal safety reporting scheme, risk assessment);
- new roles and functions (e.g. safety manager);
- addressing specific threats (e.g. fatigue).

This Decision also addresses a specific implementation issue with the adoption of Part-CAMO that also embeds SMS principles. The adoption of AMC1 CAMO.A.305(a)(5), making reference to an ‘engineering degree’, resulted in an implementation issue in relation to the nomination of the safety manager referred to in point CAMO.A.305(a)(5), in particular when the candidate also holds such a function under another certificate. As a result, several NCAs issued alternative means of compliance (AltMoC) for the CAMOs under their oversight. They proposed as an alternative to that degree, the completion of a specific training programme to gain an adequate understanding of maintenance standards and continuing airworthiness concepts and principles. Hence, that AMC to Part-CAMO (and the equivalent AMC to Part-145) is amended to reflect that option.

With regard to RMT.0681, the existing AMC & GM to point 145.A.60 are replaced by the following :

- AMC1 145.A.60 to address the case of single reports for multiple certificate holders, and the allocation of responsibilities for reporting;
- AMC2 145.A.60 and GM1 145.A.60(b) to appropriately address the reporting to the design approval holder;
- GM1 145.A.60 explaining the principles underlying the list of reportable occurrences laid down in Regulation (EU) 2015/1018¹⁵.

RMT.0681 also results in the introduction of the following new AMC & GM in Section B:

- AMC1 145.B.125(b) to address the need for each competent authority to appoint a coordinator to act as the point of contact;

¹⁴ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0965&qid=1649261457765>).

¹⁵ Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council (OJ L 163, 30.6.2015, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R1018&qid=1649262015260>).

- GM1 145.B.125(b) and GM2 145.B.125(b) to illustrate better the intent of the related provisions;
- GM3 145.B.125(b) to address occurrences where the Agency is the competent authority.

The amendments to the Part-145 AMC & GM introduce a number of reference changes, hence the AMC & GM to Part-M, Part-66, Part-CAMO and Part-CAO are also amended to reflect these changes.

The GM to Article 4(1) of the Continuing Airworthiness Regulation is also amended to withdraw the need for Part-145 organisations to consider specific requirements of Part-M and Part-ML, due to the introduction of the relevant requirements in Part-145 by Regulation (EU) 2021/1963 (points 145.A.48(b) and 145.A.48(c)(5)).

2.4. What are the stakeholders' views — outcome of the consultation

2.4.1 NPA 2019-05(C) (RMT.0251)

467 comments were submitted to the Part-145 AMC & GM of NPA 2019-05(C), 13.5 % of which were duplicated comments. The comments were diverse, ranging from comments on SMS understanding (e.g. comments on GM1 145.A.200), to comments related to the application and adaptation of these principles in the Part-145 environment (e.g. relation between training and internal reporting scheme). Comments also addressed certain organisation and competent authority provisions harmonised with Part-CAMO, such as alternative means of compliance, findings, changes (not) requiring prior approval, or qualification of nominated persons.

EASA has reviewed all the comments and with the support of the FCG, considered them and where deemed necessary, amended the text that was proposed in NPA 2019-05(C). For further details, please refer to CRD 2019-05(C).

2.4.2 NPA 2016-19 (RMT.0681)

355 comments were made by different stakeholders. Less than 30 comments concerned the specific proposals for the amended Part-145 provisions, of which less than 10 affected the Part-145 AMC & GM. The commentators were in general supportive of the proposed amendments to the relevant AMC & GM.

EASA has reviewed all the comments that were received, and further to a number of them, the text that was proposed in NPA 2016-19 has been modified in some parts, for improvement or clarification purposes.

For further details, please refer to CRD 2016-19.

2.5. What are the benefits and drawbacks of the amendments

The impacts have been assessed and consulted under NPA 2019-05(A). The assessment is still relevant and up to date. Please see Chapter 4 (and Section 7.3) of that NPA for more details.

3. References

3.1. Related EU regulations

- Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks
- Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007
- Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council

3.2. Related EASA decisions

- ED Decision 2015/029/R of 17 December 2015 issuing acceptable means of compliance and guidance material to Annex I (Part-M), Annex II (Part-145), Annex III (Part-66), and Annex IV (Part-147) to Regulation (EU) No 1321/2014 and repealing ED Decision 2003/19/RM of 28 November 2003 ‘AMC and GM to the Annexes to Regulation (EU) No 1321/2014 — Issue 2’
- ED Decision 2019/009/R of 28 March 2019 amending the Acceptable Means of Compliance and Guidance Material to Annex I (Part-M), Annex II (Part-145), Annex III (Part-66), Annex IV (Part-147) and Annex Va (Part-T) to Commission Regulation (EU) No 1321/2014 and issuing the Acceptable Means of Compliance and Guidance Material to the articles of that Regulation
- ED Decision 2020/002/R of 13 March 2020 amending the Acceptable Means of Compliance and Guidance Material to Annex I (Part-M), Annex II (Part-145), Annex III (Part-66), Annex IV (Part-147) and Annex Va (Part-T) to as well as to the articles of Commission Regulation (EU) No 1321/2014, and issuing Acceptable Means of Compliance and Guidance Material to Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) to that Regulation.

3.3. Other reference documents

- ICAO Annex 19 ‘Safety Management’, Second Edition, July 2016



4. Related documents

- CRD 2019-05 ‘Embodiment of the safety management system (SMS) requirements into Part-145 and Part 21’ (published on 21 December 2020 along with Opinion No 04/2020)
- CRD 2019-05(C) ‘Embodiment of the safety management system (SMS) requirements into Part-145’ (being published along with this Decision)

