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To:
Foreign EASA Part-145 Organisations,
Applicants for an initial Part-145 approval
and EASA/NAA Inspectors allocated to the
oversight or initial certification of those
Organisations

Subject: Implementation of Safety Management System in Part-145 Maintenance Organisations in accordance with Regulation (EU) 2021/1963.

Dear Sir, Madam,

The purpose of this letter is to provide information on the changes introduced by Regulation (EU) 2021/1963 which amends Regulation (EU) 1321/2014, introducing **Safety Management System (SMS)** requirements for Part-145 Maintenance Organisations.

It also intends to provide guidance to stakeholders on how to implement those changes and how EASA, acting as Competent Authority, will manage the related transition phase.

1. Applicability

Regulation (EU) 2021/1963 shall apply from 2 December 2022. Organisations already holding a valid approval at this date, shall correct any finding for non-compliance related to Part-145 requirements introduced by this regulation before the 2 December 2024 at the latest.

2. What is changing ?

Regulation (EU) 2021/1963 brings a variety of changes affecting the organisational structure, management personnel, processes, and procedures. The AMC/GM material was published on 10 May 2022 with [ED Decision 2022/011/R](#).

To facilitate the identification of the changes introduced by this new regulation, a draft version of the MOE User Guide UG.CAO.00024-009 has been developed and is attached to this letter.

3. How to implement the changes?

The impact of Regulation (EU) 2021/1963 is different depending on the status of the Part-145 approval, as described below.

3.1. Organisations holding a valid Part-145 approval before 2 December 2022

Organisations intending to maintain their Part-145 approval valid, need to implement SMS complying with Section A of Regulation (EU) 2021/1963 before 2 December 2024.

3.1.1. Application for SMS implementation by Approval Holders

Considering that the implementation of SMS implies significant changes to procedures, processes, and organisational structure, an application package is expected as per 145.A.85 any time after the date of this letter, including the following:

- EASA Form 2¹ which contains a clear statement in block 6.3 “Application Type”, e.g. “change for SMS implementation i.a.w. Regulation (EU) 2021/1963”. It is recommended that this application is not combined with other changes (e.g. scope of approval, name change, etc.) to avoid those possible delays in SMS implementation are blocking other business development changes;
- an implementation plan including timelines for compliance with Regulation (EU) 2021/1963;
- a revised MOE reflecting the amended organisation procedures i.a.w. Regulation (EU) 2021/1963;

Note: Incomplete application packages will be rejected by EASA and returned to the applicant with the associated reason.

3.1.2. Management by EASA of SMS implementation

EASA has opened at the date of this letter a dedicated change phase in IFP (hereby referred as “SMS change phase”), to be managed by the allocated Inspector, which is used as a way to track SMS implementation in each Organisation. The data associated with this change phase (e.g. date of application, etc.) will be updated once the application package is effectively received as per point 3.1.1 of this letter.

EASA will apply the following approach during the transition period from 2 December 2022 until 2 December 2024:

- the oversight of the Part-145 approval is performed according to Regulation (EU) 1321/2014 as amended by Regulation (EU) 2021/1963;
- at the time of the first audit (intermediate, change or continuation) of an Organisation not yet compliant with Regulation (EU) 2021/1963, EASA will raise a generic transition finding (within the “SMS change phase”), instead of raising non-compliances against each individual regulatory paragraphs introduced by the new Regulation. The due date of this finding will be set by default on 2 June 2024, to allow EASA the necessary timeframe to assess any corrective actions before the end of the transition period. For requirements which were not impacted by the new Regulation, standard findings will be raised as necessary in case of identified non-compliances;
- any application for change received after 2 December 2023 will not be processed, if EASA has not yet received an acceptable SMS application package as detailed in point 3.1.1 of this letter;

¹ The EASA Form 2 application is to be submitted to foreign145@easa.europa.eu

- the Organisation will be considered compliant with SMS in accordance with Regulation (EU) 2021/1963 at the closure of the “SMS change phase”, based on an EASA Form 6 recommendation issued by the allocated Inspector. There will be no change to the EASA Form 3 certificate which remains valid. It is understood that the maturity of the SMS within an Organisation needs time to develop in order to be effective and the closure of the change phase only intends to show that the required enablers of a functioning management system are present and suitable;
- for Organisations which have received a transition finding and were unable to close it within 2 June 2024 (e.g. SMS application package not submitted, incomplete, etc.), EASA cannot guarantee that the investigation for the “SMS change phase” can be closed by 2 December 2024;
- for those Organisations where the “SMS change phase” cannot be closed by 2 December 2024 (i.e. SMS transition finding becomes overdue), EASA will suspend the Part-145 approval.

3.2. Applicants for an initial Part-145 approval

As from 2 December 2022 a new Part-145 certificate can only be issued for Organisations which are in compliance with Regulation (EU) 2021/1963. The following cases may be considered:

(a) Initial investigations already on-going at the date of this letter

The application and related investigation is intended to comply with the “old Part-145”² (before Regulation (EU) 2021/1963) and should be completed before 2 December 2022, with the issuance of the approval certificate by EASA. After the issuance of the approval, the process described in point 3.1 of this letter applies.

Note: The Organisation should ensure to have closed all findings related to the initial investigation within 1 October 2022, to allow the allocated Inspector issuing the recommendation for the initial approval within 1 November 2022. For all the recommendations received by this date, EASA commits to issue the related approval certificates before 2 December 2022. For all the cases where the initial approval certificate is not issued within this date, the initial investigation process will have to be supplemented to include verification for compliance with Regulation (EU) 2021/1963.

(b) Organisations applying for an initial Part-145 approval after the date of this letter

EASA recommends that any new Organisation applying for a Part-145 approval should target directly compliance with the “new Part-145” as amended by Commission Regulation (EU) 2021/1963. This is justified by the fact that the standard timing to issue an initial approval is 8 months from the application date and the remaining time in 2022 is normally not compatible with the issuance of an approval within 2 December 2022. Nevertheless, organisations intending to comply with “old Part-145” should clearly specify this intention at the time of the application which will be subject to feasibility verification by EASA.

² Organisations intending to comply immediately with Regulation (EU) 2021/1963 should inform their allocated Inspector and agree an amended plan for the initial investigation.

3.3. Organisations holding a Suspended or Limited Part-145 approval before 2 December 2022

Depending on the reinstatement timeframe, the following cases may be considered:

(a) Approval reinstated before 2 December 2022.

The approval can be reinstated according to the “old Part-145” (before Regulation (EU) 2021/1963). After reinstatement, the process described in point 3.1 of this letter applies.

(b) Approval reinstated after 2 December 2022.

The approval can only be reinstated according to the “new-Part-145” as amended by Commission Regulation (EU) 2021/1963.

EASA remains available with the direct communication channel of the allocated Inspector to answer any question and support the Organisations in this change.

In case you have any comments related to the draft MOE User Guide UG.CAO.00024-009, please notify them by e-mail to MOC_145@easa.europa.eu.

Yours faithfully,



Lorenzo PELLEGRINI

Attachment:

- Draft MOE User Guide UG.CAO.00024-009