

Note 1

Note on consultation

1. On 6 June 2003, the Agency submitted, for consultation by all interested parties, its draft opinion for a Commission Regulation on the continuing airworthiness, including maintenance, of aircraft, parts and appliances, and on the approval of organisations and personnel involved in these tasks, asking for comments within six weeks as provided by article 15 (transitional arrangements) of the Management Board decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (“rulemaking procedure”), MB/7/03:

For the issuing of decisions in respect of rules directly derived from the adaptation of existing JAA regulatory material, the rulemaking procedure shall be amended as follows:

- i. The provisions of article 4, 5, 7 and 8.1 shall not apply.*
 - ii. The length of the consultation period described in article 6.4 shall be of six weeks' duration. In justified circumstances the Management Board may decide to extend this period on a case-by-case basis to allow for further consultation.*
 - iii. Consultees shall be provided with a reasoned acknowledgement of their comments.*
2. Several commenters stated that the draft Opinion was not based upon existing JAA material and that therefore the provision of that article of the rulemaking process was not applicable. The Agency does not share these views and draws the attention of commenters to the following paragraphs which summarise the origin of the proposed Annexes (Parts) of the draft Commission Regulation.

a) Part-M

3. Part-M is based upon JAR-OPS amendment 4 dated 1 July 2002 and the associated Temporary Guidance Leaflets and procedures. It has been completed to include non-commercially operated aircraft and the continued validity of airworthiness certificates. Such additions are based upon JAR M drafts 3 and 4, further adjusted to incorporate JAA best practices in the field of maintenance. It is therefore directly derived from JAA regulatory material.

b) Part-145

4. Part-145 is based upon JAR 145 amendment 5 dated 1 January 2003 and the associated Temporary Guidance Leaflets and procedures. Part-145 also includes elements from JAR-66 associated with certification privileges in the Part-145 environment, which were not transferred to Part-66.

c) Part-66

5. Part-66 is based upon JAR 66 Issue 1 dated 3 April 1998 and related Temporary Guidance Leaflets. This code applied to certifying staff of aeroplanes and helicopters with a maximum take-off mass of 5700kg and above. It has been

completed to include aeroplanes and helicopters with a maximum take-off mass below 5700kg. Such additions are based upon the results of the work of the JAA JAR 66 Light Aircraft Study Group, which itself used the initial Notice of Proposed Amendment (NPA) 66-1 and related public comments. It is therefore directly derived from JAA regulatory material.

d) Part-147

6. Part-147 is based upon JAR 147 change 2 dated 1 July 2002 and the associated Temporary Guidance Leaflets and procedures.