



Opinion No 12/2013

Control of suppliers

RELATED NPA/CRD

CRD to NPA 2012-03 – RMT.0555 (145.017) and

CRD to NPA 2013-01 (C) – RMT.0251 (MDM.055), points 145.A.42, 145.A.43, AMC/GM to 145.A.42 & AMC/GM to 145.A.43

10/12/2013

Executive Summary

This Opinion addresses a safety issue related to the risk associated to the acceptance of components from external suppliers.

In order to mitigate such a risk, this Opinion requires Part 145 organisations to establish procedures for the acceptance of components. Furthermore, the comments received during consultation of NPA 2012-03 and NPA 2013-01 (C) showed that there was a need to clarify the requirements for acceptance, installation and segregation of components, parts or material both in Part M and in Part 145.

The Agency acknowledges that discussions on the acceptability of components without an EASA Form 1 have been initiated in the frame of rulemaking task RMT.0018. As a result of these discussions further amendments to the requirements of M.A.501 and 145.A.42 may be proposed in a future Opinion.

The proposed changes are expected to increase safety and improve compliance.

Applicability		Process map	
Affected regulations and decisions:	Part M, AMC Part M, GM Part M Part 145, AMC Part 145, GM Part 145	Concept Paper:	No
Affected stakeholders:	Persons and organisations performing maintenance, competent authorities.	Rulemaking group:	
Driver/origin:	Safety	- NPA 2012-03	Yes
Reference:	n/a	- NPA 2013-01	No
		RIA type:	Light
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	
		- NPA 2012-03	12/04/2012
		- NPA 2013-01	21/01/2013
		Duration of NPA consultation:	
		NPA 2012-03	3 months
		NPA 2013-01	4 months
		Review group:	
		- NPA 2012-03	Yes
		- NPA 2013-01	No
		Focussed consultation:	No
		Publication date of the Decision:	n/a

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Opinion in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's Rulemaking Programme for 2013 under RMT.0555 (145.017). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Opinion has been developed by the Agency based on the input of the Rulemaking Group 145.017 and on the comments received to NPA 2013-01 (C), to the proposal for point 145.A.42 and its associated AMC/GM and point 145.A.43 and associated AMC/GM.

All interested parties were consulted through NPA 2012-03 and NPA 2013-01 (C)³. A total of 128 comments were received: 44 comments were received to NPA 2012-03 and 84 comments were received to NPA 2013-01 (C), point 145.A.42 and its associated AMC/GM and point 145.A.43 and associated AMC/GM.

The Agency has addressed and responded to the comments received on the NPAs. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) to NPA 2012-03⁴ – RMT.0555 (145.017) and to NPA 2013-01 (C) – RMT.0251(MDM.055), points 145.A.42, 145.A.43, AMC/GM to 145.A.42 & AMC/GM to 145.A.43.

The final text of this Opinion (i.e. Explanatory Note and draft regulation(s)) has been developed by the Agency using some of the inputs from review group RMT.0555.

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. The structure of this Opinion and related documents

Chapter 1 of this Opinion contains the procedural information related to this task. Chapter 2 'Explanatory Note' explains the core technical content. The draft rule text proposed by the Agency is published on the Agency's website⁵.

¹ Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2013.

³ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

⁴ <http://easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>.

⁵ <http://easa.europa.eu/agency-measures/opinions.php>.

1.3. The next steps in the procedure

This Opinion contains proposed changes to the European Union regulations. The Opinion is addressed to the European Commission, which uses it as a technical basis to prepare a legislative proposal.

The Decision containing the related Acceptable Means of Compliance (AMC)/Guidance Material (GM) will be published by the Agency when the related Implementing Rule(s) are adopted by the Commission.

For information, the Agency published the draft text for the related Agency Decision containing AMC/GM. The final Decision adopting the AMC/GM will be published by the Agency once the European Commission/Parliament and Council have adopted the regulations.

2. Explanatory Note

2.1. Issues to be addressed

This Opinion addresses a safety issue related to the risk associated to the acceptance of components from external suppliers. In order to mitigate such a risk, this Opinion proposes changes to Part M and Part 145 to clarify the requirements for acceptance, installation and segregation of components, parts or material by persons and organisations performing maintenance.

In addition, this Opinion proposes amending Article 3(2) to specify that organisations and persons performing maintenance should comply with those requirements of Part M which are applicable to them. It also proposes changes to M.A.502 (d) to improve readability and to Appendix VII to remove the reference to the non-existing point M.A.502 (d)(3).

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is, therefore, to mitigate the risk associated to the acceptance of components from external suppliers.

2.3. Outcome of the consultation

The major issues raised during consultation have been summarised in CRD 2012-03.

2.4. Summary of the Regulatory Impact Assessment

It is expected that the adoption of this proposal would have a positive safety impact by mitigating the risks of acceptance of components from external suppliers and improving the understanding of the requirements for acceptance, installation and segregation of components. In addition, it is expected that this Opinion would have a positive economic impact by promoting the use of industry standards. The potential for industry to rely on industry standards that are recognised as reflecting good safety practices would mitigate any potential negative economic impact.

2.5. Overview of the proposed amendments

This Opinion proposes changing Part M and Part 145 to clarify the requirements for the acceptance, installation and segregation of components, parts and material. In particular, this Opinion proposes:

- Article 3(2) with respect to the provisions of Part M applicable to Part 145 organisations;
- Amending M.A.501 to clarify the requirements applicable to Part M Subpart F organisations and persons referred to under M.A.801(b)(2), M.A.801(b)(3) M.A.801(c) and M.A.801 (d), for classification and installation of components, standard parts and material;
- Amending M.A.502 (d) to improve readability;
- Replacing M.A.504 'Control of unserviceable components' by a new paragraph M.A.504 'Segregation of components';
- Amending M.A.608 (c) to include a reference to standard parts and material;

- Appendix VII Complex maintenance tasks to delete the reference to the non-existing point M.A.502 (d)(3);
- Amending the title of point 145.A.40 and the first paragraph of 145.A.40 (a) to delete the reference to material;
- Amending 145.A.42 to clarify the requirements for classification, acceptance, installation and segregation of components, standard parts and material applicable to Part 145 maintenance organisations.

Done at Cologne, on 10 December 2013

P. KY
Executive Director

3. References

3.1. Affected regulations

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.