



# European Aviation Safety Agency

## Terms of Reference for a rulemaking task

### Instructions for continuing airworthiness

RMT.0252 (MDM.056) — ISSUE 5 — 20.6.2016

	Applicability		Process map
<b>Affected regulations and decisions:</b>	Commission Regulation (EU) No 748/2012; Commission Regulation (EU) No 1321/2014; ED Decision 2012/020/R ED Decision 2003/19/RM	Rulemaking lead	FS.1.2
<b>Affected stakeholders:</b>	Type Certificate (TC); STC; repair design; ETSO holders and applicants; and minor change approvals.	Concept Paper	No
— Producers of ICA	Suppliers of components to the above approval holders.	Rulemaking group	Yes (except for Subtask 3)
— Users of ICA	Owners/operators and maintenance organisations.	RIA type	Light
— Authorities	National Aviation Authorities and the Agency.	Technical consultation during NPA drafting	Yes
<b>Driver/origin:</b>	Level playing field	Publication date of the NPA	Subtask 1: 2017/Q1 Subtask 2: 2017/Q1 Subtask 3: Cancelled Subtask 4: 2017/Q1 Subtask 5: 2016/Q2
<b>Reference:</b>	Member States request and Safety Recommendations UNKG-2008-004 and ICLD-2013-001. Pre-RIA MDM.056 (RMT-0252), published on 9 March 2009.	Duration of NPA consultation	3 months
		Review group	Yes (except for Subtask 3)
		Focused consultation	Only for Subtask 3 (since this is an Agency task)
		Publication date of the Opinion	Subtask 1: 2018/Q3 Subtask 2: 2018/Q3 Subtask 3: cancelled Subtask 4: 2018/Q3 Subtask 5: 2017/Q2
		Publication date of the Decision	Upon adoption of the Opinion by the Commission

## 1. Issue and reasoning for regulatory change

Instructions for Continuing Airworthiness (ICA) are produced by design approval holders (DAHs) as part of the product/part certification. These ICA, if properly implemented, should ensure that the product/part remains airworthy during its intended life.

Although in the European regulatory system provisions related to ICA are included in the Part-21 relevant airworthiness codes, in Part-M and in Part-145, experience has shown that there is too much room for interpretation in the current rules and standards, leading to differences and potential safety risks.

The above-mentioned issue and all the complex consequences were included by the European Aviation Safety Agency (the Agency) in the rulemaking task MDM.056 (RMT.0252) whose Terms of Reference (ToR) Issue 1 were issued on 28 September 2009.

The main issues addressed by the MDM.056 (RMT.0252) working group were the following:

- What information/documents/manuals are considered ICA and how they are approved/accepted by the aviation authorities.
- What happens with the information/documents/manuals which are not considered ICA. What is the level of approval/acceptance and who is responsible for their content.
- How does the MRB process fit in the approval/acceptance of ICA (this task was cancelled Mid 2015).
- To whom (e.g. operators, maintenance organisations) and when this information (ICA and non-ICA) should be made available.
- How this information (ICA and non-ICA) is used by operators/maintenance organisations and who can introduce changes.

During the Certification Management Team meeting held in December 2010 between the Agency, FAA and TCCA, it was found that there were parallel activities in the three authorities related to ICA. It was considered beneficial for industry and certification competent authorities to produce harmonised regulatory material to increase efficiency, so the Agency put on hold the activities of the MDM.056 in January 2011 until the Agency, FAA and TCCA had identified the subjects of common interest and needs for harmonisation (see the Status Report 12D54544 in the reference documents). These issues — sorted out by prospective subtasks at the time of the status report — were the following:

### Subtask 1:

- Definition and identification of ICA (to be provided during the certification process).
- Completeness of ICA (during the certification process).
- Level of involvement of the competent authority (during the certification process).

### Subtask 2:

- Availability of ICA (to owners, operators, maintenance organisations, etc.).

### Subtask 3:

- MRB Scheduling Information (guidance on the MRB process): task cancelled

### Subtask 4:

- Acceptance/approval of ICAs by other than the authority.

The last subtask mentioned in the Status Report is the review of the validation process for ICA approved/accepted by another certification authority. This will not be covered by a rulemaking task, but by the existing bilateral agreement activities.

As a consequence of the above, the Agency has decided to start Subtasks 1, 2, 3 (task 3 was cancelled Mid 2015) and 4 to address the issues of common interest.

In addition, since the FAA has updated the AC 25-19 to version A in October 2011 in relation to the Certification Maintenance Requirements (CMR), this has introduced a lack of harmonisation with the current AMC 25.19 version. This leads to two different CMR documents, different identification means and follow-up procedures, which may not be sustainable in the long term. The Agency considers this a high priority issue and has decided to create a Subtask 5 to address it.

#### Subtask 5:

- Certification Maintenance Requirements.

The rest of the issues described in the Status Report 12D54544 and not covered under any of the above-mentioned subtasks will be addressed in the future, for instance how maintenance data (ICA and non-ICA) is used by operators/maintenance organisations and who can introduce changes.

Issue 5 is published to take into consideration an additional safety recommendation.

## 2. Objectives

The objectives of the European Union in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008<sup>1</sup>.

The specific objective of this rulemaking task is to establish clear requirements and responsibilities for all parties involved in the production of ICAs, their approval and their implementation.

The aspects to review will be, among others:

#### Subtask 1

**1. Definition and identification of ICA** (to be provided during the certification process), including the determination of the relationship between ICA and maintenance information for ETSO articles:

- Definition of ICA.
- Type of information that should be covered by ICA.
- Responsibility of the DAH for the control of ICA below the product level.
- Where the ICA definition will be included.
- Where the list of ICA approved/accepted for a particular product, part, etc., will be identified and made known to operators.

*NOTE:* During this review, two safety recommendations will be taken into account:

- 1) UNKG-2008-004: This Safety Recommendation, following the accident of a PIPER PA-28R-201T<sup>2</sup> during which an unreliable attitude indicator, caused by a vacuum pump failure, has been identified as a contributing factor, recommends the following:

<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of 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, 19.03.2008, p. 1).

‘Mandate compliance with vacuum pump maintenance and replacement requirements, to ensure that aircraft fitted with vacuum-driven Attitude Indicators can be safely operated in Instrument Meteorological Conditions when such aircraft are certified to do so.’

- 2) ICLD-2013-001: This Safety Recommendation, following the serious incident of a B757-200 which resulted from the failure of an engine fuel pump<sup>3</sup>, recommends the following:

‘Set guiding rule for airframe and engine manufacturers such that Maintenance Planning Document (MPD) and Engine Maintenance Manual (EMM) clearly include recommended maintenance information from subcomponent Component Maintenance Manuals (CMM).’

## **2. Completeness of ICA (during the certification process) provided by the DAH upon delivery of the product or issuance of the first airworthiness certificate:**

- Is it possible to provide certain ICA at a later stage?
- When should maintenance instructions (describing in detail how to perform a task) be made available?
- If certain ICA are postponed, are there sufficient enforcement tools in place to ensure timely availability of the postponed elements?

## **3. Certification of ICA by the competent authority (during the certification process):**

- Are ICAs approved by/accepted by/acceptable to the authority?
- The authority has a method to show approval of ICAs to DAHs.
- The authority has the level of ICA verification defined.
- Role of the authority for verification/approval of ICA.

### **Subtask 2**

- Who has the right to receive ICA from the DAH and whether operators can share this information with maintenance organisations.
- Does the ‘availability policy’ apply not only to TC and STC holders but also to other DAHs?
- Does the ‘availability policy’ apply to repairs and modifications/change?

### **Subtask 3**

Cancelled. MRB Scheduling Information subtask 3 was cancelled Mid 2015 due to lack of resources. A Certification Memorandum may be developed in the future to provide guidance.

### **Subtask 4**

- Acceptance/approval of ICAs by other than the certification authority.

### **Subtask 5**

- Certification Maintenance Requirements.

<sup>2</sup> Refer to United Kingdom Air Accidents Investigation Branch (AAIB) accident investigation report EW/C2007/04/02 published in AAIB Bulletin 6/2008 on 12 June 2008 – accident to Piper PA-28R-201T G-JMTT on 09 April 2007, 9 NM south of Oban airport, Argyll and Butte, Scotland.

<sup>3</sup> Refer to Iceland Air Accident Investigation Board final investigation report M-01409/AIG-09 issued in May 2013 – accident to Boeing 757-200 on 04 June 2009 about 85 miles south-east of London Gatwick Airport.

### 3. Specific tasks and deliverables

#### 3.1. Tasks

- Review existing regulations and CSs/AMC/GM and Certification Memorandums.
- Develop RIA.
- Draft new legal text and CSs/AMC/GM based on the preferred option.

All these activities will be properly coordinated with FAA and TCCA.

#### 3.2. Deliverables

- Publish NPA (including focused consultation for Subtask 3).
- After review group, publish CRD and Opinion.
- After adoption by the Commission, adopt ED Decision with CS/AMC/GM material.
- Affected rules will be Commission Regulation (EU) No 748/2012<sup>4</sup> and Commission Regulation (EU) No 1321/2014<sup>5</sup>.

#### 3.3. Focused consultation

Focused consultation may include:

- meetings with stakeholders,
- conferences,
- RAG/TAGs and SSCC consultations (written or meeting).

### 4. Profile and contribution of the rulemaking group

#### Subtask 1

Profile of the rulemaking group and its members:

- Should include representatives from:
  - DAH,
  - Competent authorities,
  - Maintenance Organisations,
  - Operators/Continuing Airworthiness Management Organisations (CAMOs),
  - Agency's C and S Directorate.
- Expertise and experience should cover:
  - Responsibilities in production, approval and implementation of ICAs.

#### Subtask 2

<sup>4</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations and repealing Commission Regulation (EC) No 1702/2003 (OJ L 243, 27.9.2003, p.6-79).

<sup>5</sup> 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)

Profile of the rulemaking group and its members:

- Should include representatives from:
  - DAH,
  - Competent authorities,
  - Maintenance Organisations,
  - Operators/Continuing Airworthiness Management Organisations (CAMOs),
  - Agency's C and S Directorate.
- Expertise and experience should cover:
  - Responsibilities in production, approval and implementation of ICAs.

#### Subtask 4

Profile of the rulemaking group and its members:

- Should include representatives from:
  - DOA,
  - Agency's C and S Directorate.
- Expertise and experience should cover:
  - Responsibilities in production, approval and implementation of ICAs.

#### Subtask 5

Profile of the rulemaking group and its members:

- Should include representatives from:
  - DAH,
  - Certification competent authorities,
  - Operators,
  - Agency's C Directorate.
- Expertise and experience should cover:
  - Participation in the Certification Maintenance Coordination Committee (CMCC).
  - Responsibilities in aircraft/system safety assessment process.

## 5. Annex I: Reference documents

### 5.1. Affected regulations

- Commission Regulation (EU) No 748/2012
- Commission Regulation (EU) No 1321/2014

### 5.2. Affected decisions

- DECISION N° 2012/020/R OF THE EXECUTIVE DIRECTOR OF THE AGENCY of 30th October 2012 on acceptable means of compliance and guidance material for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations ('AMC and GM to part 21')
- DECISION NO. 2003/19/RM OF THE EXECUTIVE DIRECTOR OF THE AGENCY of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 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

### 5.3. Reference documents

- Status Report for MDM.056 (Document No 12D54544),
- ToR MDM.056 (RMT.0252) Issue 4,
- FAA Policy PS-AIR-21.50-01 on 'Type Design Approval Holder Inappropriate Restrictions on the Use and Availability of Instructions for Continued Airworthiness',
- FAA AC 25-19A Certification Maintenance Requirements issued on 3 October 2011,
- Air Accidents Investigation Branch (AAIB) accident investigation report EW/C2007/04/02 published in AAIB Bulletin 6/2008 on 12 June 2008 — Accident to Piper PA-28R-201T G-JMTT on 09 April 2007.