

European Aviation Safety Agency

**DECISION N° 2011/011/R
OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY**

OF 28 NOVEMBER 2011

amending the Annexes II and III of Decision No 2003/19/RM of the Executive Director of the European Aviation Safety 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

'Control of contracted maintenance personnel'

EXECUTIVE SUMMARY

The requirement 145.A.30(e) imposes on the maintenance organisations the need to establish and to control the competence of personnel involved in any maintenance, management, and/or quality audits in accordance with a procedure and to a standard agreed by the competent authority. While the rule makes no distinction between employed and contracted personnel in relation to their competence and its assessment, feedback seems to indicate that the common practice in the industry is that contracted personnel are not systematically assessed for their adequate competence. The aim of the rulemaking task 145.022 was to develop AMC/GM for the control of contracted maintenance personnel. The NPA 2010-08 was published in July 2010 and followed the standard consultation process resulting in publication of the respective CRD in July 2011 which received six reactions. One reaction requested the withdrawal of the proposal, while the others agreed with the CRD text or proposed some changes without contesting the basic concepts. The Agency's responses to these reactions are contained in the explanatory note.

The new text introduced in this Decision provides means to the maintenance organisations to establish and to control the competence of its personnel, contracted or employed, and introduces some flexibility to cope with temporary operational necessities.

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to the 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/EC¹ (hereinafter referred to as the 'Basic Regulation'), and in particular Article 38(3)(a) and (e) thereof,

Having regard to the 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 tasks²,

Whereas:

- (1) The Annexes II and III of Decision 2003/19/RM are required to be amended to contain Acceptable Means of Compliance and Guidance Material in relation to the proper control by the maintenance organisation of the competence of contracted maintenance personnel as required by Paragraph 145.A.30 of Part-145.
- (2) The Agency shall, pursuant to Article 18 of the Basic Regulation, issue Certification Specifications, including airworthiness codes and Acceptable Means of Compliance, as well as Guidance Material for the application of the Basic Regulation and its implementing rules.
- (3) The Agency is obliged, pursuant to Article 19 of the Basic Regulation to reflect the state of the art and the best practices in the fields concerned and update Certification Specifications taking into account worldwide aircraft experience in service, and scientific and technical progress.
- (4) The Agency, pursuant to Article 52(1)(c) of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure³, has widely consulted interested parties on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received⁴.

HAS DECIDED:

Article 1

The Annexes II and III to Decision ED/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 are hereby amended as provided in the Annex to this Decision.

¹ OJ L 79, 19.03.2008, p. 1. Regulation as last amended by Regulation (EC) No 1108/2009 (OJ L 309, 24.11.2009, p. 51).

² OJ L 315, 28.11.2003, p. 1. Regulation as last amended by Regulation (EU) No 1149/2011 of 21 October 2011 (OJ L 298, 16.11.2011, p. 1).

³ 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/08/07, 13.6.2007.

⁴ See NPA 2010-08 and CRD 2010-08 on Rulemaking Archives page <http://www.easa.europa.eu/rulemaking/r-archives.php>.

Article 2

This Decision shall enter into force on 5 December 2011. It shall be published in the Official Publication of the Agency.

Done in Cologne, on 28 November 2011.

P. GOUDOU