



Notice of Proposed Amendment 2013-12

Amendment to Decision 2003/19/RM (AMC to Part-145) to adapt it to the process of granting Part-145 approvals to maintenance organisations located outside the territories of the Member States

RMT.0096 (145.023) – 11/07/2013

EXECUTIVE SUMMARY

This NPA proposes the introduction of new and amended AMC/GM provisions in order to solve certain shortcomings and inconsistencies when the Agency acts as a competent authority for Part-145 maintenance organisations located outside the territory of the Member States.

Some of these provisions are also applicable to organisations located within the territory of the Member States and, in most cases, correspond to issues where the Agency has already had discussions with NAAs or issues where the Agency has already provided interpretation.

Applicability		Process map	
Affected regulations and decisions:	AMC Part-145, GM Part-145	Concept Paper:	No
Affected stakeholders:	Part-145 organisations, NAAs, EASA	Terms of Reference:	17/06/2008
Driver/origin:	Request from EASA Approvals Department / Level playing field	Rulemaking group:	No
Reference:	ToR 145.023	RIA type:	None
		Technical consultation during NPA drafting:	No
		Duration of NPA consultation:	3 months
		Review group:	No
		Focused consultation:	No
		Publication date of the Opinion:	N/A
		Publication date of the Decision:	2014/Q3

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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 Notice of Proposed Amendment (NPA) 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 2013-16 under RMT.0096 (former task number (145.023))³.

The text of this NPA has been developed by the Agency. It is hereby submitted for consultation of all interested parties⁴.

The process map on the title page contains the major milestones of this rulemaking activity to date and provides an outlook of the timescale of the next steps.

1.2. The structure of this NPA and related documents

Chapter 1 of this NPA contains the procedural information related to this task. Chapter 2 (Explanatory Note) explains the core technical content. Chapter 3 contains the proposed text for the new requirements.

1.3. How to comment on this NPA

Please submit your comments using the automated **Comment-Response Tool (CRT)** available at <http://hub.easa.europa.eu/crt/>⁵.

The deadline for submission of comments is **11 October 2013**.

1.4. The next steps in the procedure

Following the closing of the NPA public consultation period, the Agency will review all comments.

The outcome of the NPA public consultation will be reflected in the respective Comment-Response Document (CRD).

The Agency will publish the CRD and the Decision.

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 2012.

³ <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php#145>.

⁴ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

⁵ In case of technical problems, please contact the CRT webmaster (crt@easa.europa.eu).

2. Explanatory Note

2.1. Overview of the issues to be addressed

For the purposes of Annex II (Part 145) to Commission Regulation (EC) No 2042/2003, the Agency is the competent Authority for the issuance of approvals of maintenance organisations located outside the territories of the Member States, called 'non-Member States'. To issue these approvals, the Approval and Standardisation Directorate of the Agency follows the applicable provisions of Commission Regulation (EC) No 2042/2003 and the current Annex II (AMC to Part 145) to Decision 2003/19/RM.

The Agency performs approvals of organisations located in 'non-Member States' in accordance with the current AMC/GM, but in some cases, it seemed that the Agency encountered situations where these AMC were not accurate enough.

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 of this NPA.

The Agency, acting as the competent authority for approval of maintenance organisations in non-Member States, envisages to modify and adopt additional Acceptable Means of Compliance (AMC) to Part-145 in order to solve current shortcomings and inconsistencies when dealing with foreign organisations. Some of these amended/new AMC are also applicable to the approval of organisations within the EU.

In most of the cases, these proposals cover issues that have already been discussed with accredited NAAs working for the Agency or issues where the Agency has provided interpretation.

2.3. Summary of the Regulatory Impact Assessment (RIA)

Due to the nature of changes, which do not introduce additional requirements but clarify the existing ones, no impact assessment has been considered necessary.

2.4. Overview of the proposed amendments

- AMC 145.A.15 has been amended to provide more guidance on how to apply for a Part-145 organisation approval.
- AMC 145.A.30(b) and AMC 145.B.20(1) have been amended to provide more guidance on the form used to propose nominated persons and on the formal approval by the competent authority.
- AMC 145.A.30(d) has been amended to clarify the objective of the provision related to the minimum of 50% employed personnel (as opposed to contracted) and to indicate possible cases for deviation.
- AMC 145.A.30(f) has been amended to include NDT standards equivalent to EN4179.
- A new GM 145.A.30(j)(1)&(2) has been added to clarify the foreign qualifications which can be used as an alternative to EASA Part-66 licences in the case of facilities located outside the EU.
- A new GM 145.A.50 has been added to clarify that the requirements for certification of maintenance contained in 145.A.50 only apply to aircraft covered by the Basic Regulation, as already published by the Agency on its website on 20 March 2013 by the following letter:

<http://easa.europa.eu/rulemaking/fag/docs/13D51397%20Maint.%20release%20of%20aircraft%20not%20covered%20by%20BR%20for%20website%20publication.pdf>

In order to be consistent, AMC 145.A.70(a) and GM 145.A.70(a) have also been amended to make clear how this is indicated in the maintenance organisation exposition (MOE).

- AMC No 2 to 145.A.50(d) has been amended to clarify the provisions related to the removal of serviceable components from aircraft registered in the EU Member States as well as on aircraft registered in non-EU Member States.
- A new AMC 145.A.85 has been added to clarify the investigation requirements in the case of a change of ownership of the Part-145 organisation;
- A new AMC 145.A.95 has been added to clarify the actions expected from the maintenance organisation in the case of findings.
- AMC 145.B.20(5) has been amended to improve the wording related to the Form 6 and the quality check.
- AMC 145.B.25(1) has been amended to clarify how the competent authority should indicate the aircraft designations in the EASA Form 3 when issuing a Part-145 approval. In addition, it has been included the case where the Agency acts as the competent authority.
- AMC 145.B.35(1) has been amended and a new GM 145.B.35 has been added to provide more guidance on the investigation process performed by the competent authority in the case of approval of line stations.
- GM 145.B.45 has been amended to provide more guidance regarding the various actions taken by the competent authority in relation to a Part-145 approval certificate (revocation, suspension, limitation).
- A new AMC has been added to Appendix IV to Part-145 to clarify the different qualification requirements and the protected rights of existing certifying staff for the case of facilities located outside the EU.

3. Proposed amendments

The text of the amendment is arranged to show deleted text, new or amended text as shown below:

- (a) deleted text is marked with ~~strike through~~;
- (b) new or amended text is highlighted in **grey**;
- (c) an ellipsis (...) indicates that the remaining text is unchanged in front of or following the reflected amendment.

3.1. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision)

Decision No 2003/19/RM, Annex II (AMC to Part-145) and Annex III (GM to Part-145)

AMC 145.A.15 is amended as follows:

AMC 145.A.15 Application

~~In a form and in a manner established by the competent authority means that the application should be made on an EASA Form 2 (refer to Appendix III to AMC to Part-145).~~

The application should be made on an EASA Form 2 (refer to Appendix III to AMC 145.A.15), in manner and form established by the competent authority.

A new paragraph 9 is added to AMC 145.A.30(b) as follows:

AMC 145.A.30(b) Personnel requirements

...

9. The EASA Form 4 (refer to Appendix I to AMC 145.B.20(1)) should be used, in manner and form established by the competent authority.

AMC 145.A.30(d) is amended as follows:

AMC 145.A.30(d) Personnel requirements

1. Has sufficient staff means that the organisation employs or contracts competent staff, as detailed in the man-hour plan, of which at least half the staff that perform maintenance in each workshop, hangar or flight line on any shift should be employed to ensure organisational stability. For the purpose of meeting a specific operational necessity, a temporary increase of the proportion of contracted staff may be permitted to the organisation by the competent authority, in accordance with an approved procedure which should describe the extent, specific duties, and responsibilities for ensuring adequate organisation stability. For the purpose of this subparagraph, employed means the person is directly employed as an individual by the maintenance organisation approved under Part-145, whereas contracted means the person is employed by another organisation and contracted by that organisation to the maintenance organisation approved under Part-145.

The objective of this provision is to ensure the stability of the maintenance organisation approved under Part-145 in order to perform their planned scope of work.

If most of the staff were contracted, the organisation which employs those persons may decide to remove them from the maintenance organisation approved under Part-145 and relocate them to another organisation if, for example, there is a better offer. In such a case,

the maintenance organisation approved under Part-145 would suffer a sudden and very significant reduction of the workforce until they are able to recruit new staff, with the corresponding negative effect on its activities.

However, if most of the staff are employed by the maintenance organisation approved under Part-145, the risk of this happening is much lower.

Nevertheless, there are cases where a percentage higher than 50 % contracted staff may not negatively affect the stability of the maintenance organisation approved under Part-145 and could be allowed by the competent authority. This may be the case where the maintenance personnel are employed by a parent company of the maintenance organisation approved under Part-145.

2. ...

AMC 145.A.30(f) is amended as follows:

AMC 145.A.30(f) Personnel requirements

...

2. Appropriately qualified means to Level 1, 2 or 3 as defined by the European Standard EN 4179 (or any standard established in EN 4179 to be technically equivalent) dependant upon the non-destructive testing function to be carried out.

A new GM 145.A.30(j)(1)&(2) is added as follows:

GM 145.A.30(j)(1)&(2) Personnel Requirements

In point 145.A.30(j)1, applicable to organisation facilities located outside the Community territory, the sentence '*Certifying staff may be qualified in accordance with the national aviation regulations of the State in which the organisation facility is registered*' means the following:

- 'Facility' means line and base maintenance facilities.
- 'Registered' means:
 - for base maintenance facilities, the state where the facility is located (property registration/certificate of incorporation);
 - for line stations, the state of the principal place of business of the Part-145 organisation.
- 'May' means that this is an acceptable alternative to the use of EASA Part-66 certifying staff.

Example of EU organisation:

- 'Organisation 1' is a Part-145 organisation with its principal place of business in 'EU Member State A' (the Part-145 approval has been issued by that 'EU Member State A').
- For a base maintenance facility located in 'non-Member State X' (which means this base maintenance facility can be considered as registered in 'non-Member State X') they may use a licence or certifying staff authorisation issued in accordance with 'non-Member State X' regulations (instead of an EASA Part-66 one).
- However, for line stations located outside the EU this point 145.A.30(j)1 requires to use the EASA Part-66 licence in all cases because the line station is considered as registered in the principal place of business, which is an EU Member State.

Example of non-EU organisation:

- 'Organisation 2' is a Part-145 organisation with its principal place of business in 'non-Member State X' (the Part-145 approval has been issued by EASA).
- For all facilities (line and base maintenance) located in 'non-Member State X' they may use a licence or certifying staff authorisation issued in accordance with 'non-Member State X' regulations (instead of an EASA Part-66 one). This is because in both cases the facility can be considered as registered in 'non-Member State X', since this is the principal place of business.
- For base maintenance facilities located in 'non-Member State Y' (which means this base maintenance facility can be considered as registered in 'non-Member State Y') they may use a licence or certifying staff authorisation issued in accordance with 'non-Member State Y' regulations (instead of an EASA Part-66 one).
- For line stations located in 'non-Member State Y', they may use a licence issued in accordance with 'non-Member State X' regulations (instead of an EASA Part-66 one) because these line stations are considered as registered in 'non-Member State X' (principal place of business).

In point 145.A.30(j)2, applicable to line stations located outside the Community territory, the sentence '*Certifying staff may be qualified in accordance with the national aviation regulations of the State in which the line station is based*' means that this is an acceptable alternative for the organisation to using Part-66 certifying staff.

Example of EU organisation: If 'Organisation 1' has a line station in 'non-Member State X', they may use a licence or certifying staff authorisation issued in accordance with 'non-Member State X' regulations (instead of an EASA Part-66 one).

Example of non-EU organisation: If 'Organisation 2' has a line station in 'non-Member State X', they may use a licence or certifying staff authorisation issued in accordance with 'non-Member State X' regulations (instead of an EASA Part-66 one).

Summary of 145.A.30(j)1 and (j)2:

- **EU organisation (principal place of business in the EU, approval issued by EU Member State):**
 - **All facilities in the EU:**
 - EASA Part-66 licence.
 - **Base maintenance facility outside the EU (non-Member State X):**
 - EASA Part-66 licence, or
 - national licence or certifying staff authorisation from non-Member State X (the state where the facility is located).
 - **Line maintenance facility outside the EU (non-Member State Y):**
 - EASA Part-66 licence, or
 - national licence or certifying staff authorisation from non-Member State Y (the state where the facility is located).
- **Non-EU organisation (principal place of business outside the EU, approval issued by EASA):**
 - **All facilities in the EU:**
 - EASA Part-66 licence.
 - **Base maintenance facility outside the EU (non-Member State X):**
 - EASA Part-66 licence, or
 - national licence or certifying staff authorisation from non-Member State X (the state where the facility is located).

- **Line maintenance facility outside the EU (non-Member State Y):**
 - EASA Part-66 licence, or
 - national licence or certifying staff authorisation from non-Member State Y (the state where the facility is located), or
 - national licence or certifying staff authorisation from non-Member State X (the state of the principal place of business).

A new GM to 145.A.50 is added as follows:

GM 145.A.50 Certification of maintenance

Certification of maintenance performed on aircraft

The requirements for certification of maintenance contained in 145.A.50 only apply to aircraft covered by the Basic Regulation, not applying to:

- aircraft carrying out military, customs, police, search and rescue, fire fighting, coastguard or similar activities or services;
- aircraft listed in Annex II of the Basic Regulation;
- aircraft registered in a non-Member State and not being used by a Community operator;
- aircraft for which the regulatory safety oversight has been transferred to a non-Member State and which are not used by a Community operator.

These aircraft are excluded from the need to comply with the airworthiness requirements contained in the Basic Regulation (EC (No) 216/2008) and in its Implementing Rules for airworthiness (EC (No) 2042/2003 and EU (No) 748/2012). As a consequence, these aircraft are subject to the airworthiness requirements established in the national regulations of the corresponding State.

Since the competent authority responsible for the EASA Part-145 approval does not have any legal power, under the EU system, to approve maintenance procedures for aircraft not covered by the Basic Regulation, nor to perform the oversight of such maintenance activities, it follows that the MOE (Maintenance Organisation Exposition) of the approved EASA Part-145 organisation can only contain a scope of work and procedures relative to aircraft covered by the Basic Regulation.

Issuing an EASA Part-145 (145.A.50) release is the last step of a chain of airworthiness requirements under the EU legal system and it is a privilege contained in 145.A.75. This privilege is limited to maintenance performed on aircraft for which the organisation is approved and always in accordance with the approved maintenance organisation exposition (MOE).

It follows from here that the EASA Part-145 (145.A.50) release can only be performed on aircraft covered by the Basic Regulation. Any other aircraft can only be released under the national regulations and procedures of the corresponding State, which means that such maintenance releases are issued completely in the national domain, they are not EU/EASA releases and are not issued in accordance with EU law. EASA therefore has no legal competence or responsibility over them.

The Agency understands that, for aircraft not covered by the Basic Regulation, the national regulations of the corresponding State may allow the issuance of national maintenance release certificates which refer to the EASA approval number of the maintenance organisation. However, this is only acceptable for EASA if the release statement makes clear that it is a release issued under the national rules of such a State. Otherwise, there could be situations where the maintenance release may be mistaken for an EASA Part-145 release issued under the EU rules.

Certification of maintenance performed on components

For engines, propellers and other components it is not possible, in most cases, to know in which aircraft they will be eventually installed and whether such aircraft are covered by the Basic

Regulation or not. As a consequence, an EASA Part-145 (145.A.50) release (on an EASA Form 1) is generally possible.

NOTE: there could be certain exceptions, such as the case of a component which can only be installed on aircraft for which civil versions do not exist.

In any case, a Part-145 release only certifies that the maintenance actions described in the release have been carried out in accordance with Part-145. However, and similarly to what happens with an aircraft release to service after maintenance, it does not certify that the component is in an airworthy condition since it does not attest whether the component was initially produced to the required production standards or which was the standard of the maintenance performed in the past. It is the responsibility of the owner/operator/CAMO to collect all the information related to the airworthiness status of the component in order to make sure it is eligible for installation.

AMC No 2 to 145.A.50(d) is amended as follows:

AMC No 2 to 145.A.50(d) Certification of maintenance

1. A component which has been maintained off the aircraft needs the issuance of a certificate of release to service for such maintenance and another certificate of release to service in regard to being installed properly on the aircraft when such action occurs.

When an organisation maintains a component for use by the same organisation, an EASA Form 1 may not be necessary depending upon the organisation's internal release procedures defined in the maintenance organisation exposition and the contractual arrangements with the operator.

2. ...
- ...

2.6. Used aircraft components removed from a serviceable aircraft

2.6.1. Serviceable aircraft components removed from a Member State registered aircraft may be issued with an EASA Form 1 by an appropriately rated organisation subject to compliance with this subparagraph.

- (a) The organisation should ensure that the component was removed from the aircraft by an appropriately qualified person.
- (b) The aircraft component may only be deemed serviceable if the last flight operation with the component fitted revealed no faults on that component/related system.
- (c) The aircraft component should be inspected for satisfactory condition including in particular damage, corrosion or leakage and compliance with any additional maintenance data.
- (d) The aircraft record should be researched for any unusual events that could affect the serviceability of the aircraft component such as involvement in accidents, incidents, heavy landings or lightning strikes. Under no circumstances may an EASA Form 1 be issued in accordance with this paragraph 2.6 if it is suspected that the aircraft component has been subjected to extremes of stress, temperatures or immersion which could effect affect its operation.
- (e) A maintenance history record should be available for all used serialised aircraft components.
- (f) Compliance with known modifications and repairs should be established.
- (g) The flight hours/cycles/landings as applicable of any service life-limited parts

including time since overhaul should be established.

- (h) Compliance with known applicable airworthiness directives should be established.
- (i) Subject to satisfactory compliance with this subparagraph 2.6.1, an EASA Form 1 may be issued and should contain the information as specified in paragraph 2.4 including the aircraft from which the aircraft component was removed.

When a Part-145 organisation removes a serviceable component from an aircraft for use by the organisation on another aircraft, an EASA Form 1 may not be necessary, depending upon the organisations' internal release procedures defined in the maintenance organisation exposition and the contractual arrangements with the operator. Nevertheless, paragraphs 2.6.1(a) through 2.6.1(i) still apply.

- 2.6.2. Serviceable aircraft components removed from a non Member State registered aircraft may only be issued with an EASA Form 1 if the components are leased or loaned from the maintenance an EASA approved organisation (i.e. Part-145 or Part-M Subpart G) approved under Part-145 or owner who retains control of the airworthiness status of the components. An EASA Form 1 may be issued after complying with paragraphs 2.6.1(a) through 2.6.1(i) and should contain the information as specified in paragraph 2.4 including the aircraft from which the aircraft component was removed.

The intention of this paragraph is to allow that a component coming from the EU system (leased or loaned from an EASA approved organisation or owner) can be temporarily installed on a non-Member State registered aircraft and, at the end of the lease/loan period, such a component can be removed from the aircraft, issued an EASA Form 1 and re-introduced in the EU system (after taking in due account any maintenance performed during the lease/loan period). The Part-145 maintenance organisation issuing the EASA Form 1 should obtain the information related to the previous airworthiness status of the component from the EASA approved organisation or owner who leased/loaned the component in order to include in the EASA Form 1 the information specified in paragraph 2.4.

When a Part-145 organisation removes a serviceable component from an aircraft for use by the organisation on another aircraft, an EASA Form 1 may not be necessary, depending upon the organisations' internal release procedures defined in the maintenance organisation exposition and the contractual arrangements with the operator. Nevertheless, all the provisions described in 2.6.2 still apply.

...

AMC 145.A.70(a) is amended as follows:

AMC 145.A.70(a) Maintenance organisation exposition

...

The exposition should contain the information, as applicable, specified in this AMC. The information may be presented in any subject order as long as all applicable subjects are covered. Where an organisation uses a different format, for example, to allow the exposition to serve for more than one EASA approval, then the exposition should contain a cross reference Annex using this list as an index with an explanation as to where the subject matter can be found in the exposition.

...

GM 145.A.70(a) is amended as follows:

GM 145.A.70(a) Maintenance organisation exposition

1. The purpose of the maintenance organisation exposition (MOE) is to set forth the procedures, means and methods of the organisation upon which the Part-145 approval is based. Since the competent authority responsible for the Part-145 approval does not have any legal power to approve procedures, means and methods for aircraft outside the Basic Regulation, the MOE can only contain procedures, means and methods applicable to aircraft covered by the Basic Regulation.

...

9. The accountable manager’s exposition statement as specified under 145.A.70(a)(1) should embrace the intent of the following paragraph and in fact this statement may be used without amendment. Any modification to the statement should not alter the intent.

This exposition and any associated referenced manuals define the organisation and procedures upon which the (competent authority*) Part-145 approval is based as required by 145.A.70. These procedures only apply to aircraft falling under the provisions of Regulation (EC)216/2008 and its Implementing Rules, are approved by the undersigned and should be complied with, as applicable, when work orders are being progressed under the terms of the Part-145 approval.

It is accepted that these procedures do not override the necessity of complying with any new or amended regulation published by the (competent authority*) from time to time where these new or amended regulations are in conflict with these procedures.

It is understood that the (competent authority*) will approve this organisation whilst the (competent authority*) is satisfied that the procedures are being followed and work standards maintained. It is further understood that the (competent authority*) reserves the right to suspend, limit or revoke the approval of the organisation if the (competent authority*) has evidence that procedures are not followed or standards not upheld.

Signed

Dated

Accountable Manager and..... (quote position).....

For and on behalf of.....(quote organisation’s name).....

NOTE: Where it states (competent authority*) please insert the actual name of the competent authority, for example, EASA, CAA-NL, LBA, DGAC, CAA, etc.

Whenever the accountable manager changes, it is important to ensure that the new accountable manager signs the paragraph 9 statement at the earliest opportunity.

Failure to carry out this action could invalidate the Part-145 approval.

10. When an organisation is approved against any other EASA Part containing a requirement for an exposition, a supplement covering the differences will suffice to meet the requirements except that the supplement should have an index showing where those parts missing from the supplement are covered.

A new AMC 145.A.85 is added as follows:

AMC 145.A.85 Changes to the organisation

The case where there is only a change of ownership of the organisation is not considered as a change where the competent authority needs to determine continued compliance with this Part. However, in such a case, a new Certificate of Incorporation should be provided by the applicant to cover the aspect of liability, and the change should also be notified to the competent authority in order to check that the accountable manager still has financial authority.

A new AMC 145.A.95 is added as follows:

AMC 145.A.95 Findings

A proper corrective action plan should identify the root cause of the finding to prevent its recurrence.

For level 1 findings, the organisation should:

- identify all the tasks and procedures that are affected by the finding (including administrative and engineering tasks) and investigate if corrections are required,
- identify the Part-145 maintenance release certificates signed that are concerned by the finding (aircraft / engine / part / component),
- inform the relevant customer and its competent authority,
- take the appropriate maintenance actions to correct the situation.

AMC 145.B.20 (1) is amended as follows:

AMC 145.B.20 (1) Initial approval

1. Formally indicated by the competent authority in writing means that the EASA Form 4 should be used for this activity. ~~With the exception of the accountable manager, an EASA Form 4 should be completed for each person nominated to hold a position as required by 145.A.30(b).~~ As an option for the case of the accountable manager, instead of using the EASA Form 4, the competent authority may choose to formally approve him/her via approval of the Maintenance Organisation Exposition containing the accountable manager commitment statement.
2. ~~Formal indication of acceptance should be by use of the EASA Form 4 or in the case of the Accountable Manager via approval of the Maintenance Organisation Exposition containing the Accountable Managers commitment statement.~~
- 3.2. The competent authority may reject an accountable manager where there is clear evidence that he/she previously held a senior position in any JAR/Part approved Organisation and abused that position by not complying with the particular JAR/Part requirements.

AMC 145.B.20 (5) is amended as follows:

AMC 145.B.20 (5) Initial approval

1. ~~The audit report form should be the~~ The EASA Form 6 'Part-145 approval recommendation report' should be used.
2. A quality ~~check~~ review of the EASA Form 6 ~~audit report form~~ should be carried out by a competent independent person nominated by the competent authority. The ~~check~~ review should take into account the relevant paragraphs of Part-145, the categorisation of finding levels and the closure action that has been taken. Satisfactory review of the ~~audit form~~ EASA Form 6 should be indicated by a signature on the audit form.

AMC 145.B.25(1) is amended as follows:

AMC 145.B.25 (1) Issue of approval

1. For approvals involving more than one Member State, or in the case of approvals involving EASA and a Member State, the approval should be granted in conjunction with the Member State in whose territory the other maintenance facilities are located. For practical reasons it is recommended that the initial approval should be granted on the basis of a joint audit visit by

the approving Member State (or EASA in the case of organisations located outside the Member States) and the Member State in whose territory the facility is located. Audits related to the continuation of the approval should be delegated to the Member State in whose territory the facility is located with the audit form and recommendation submitted to the approving Member State (or EASA in the case of organisations located outside the Member States).

2. The approval should be based only upon the organisational capability (including any associated sub-contractors) relative to Part-145 and not limited by reference to EASA/national type certificated products. For example, if the organisation is capable of maintaining within the limitation of Part-145 the Boeing 737-200 series aircraft the approval schedule should state A1 Boeing 737-200 series and not Boeing 737-2H6 which is a particular airline designator for one of many -200 series.

In the EASA Form 3, the designation of aircraft types should be similar (no need to include the engine type) to that described in the Appendix 1 to AMC to Part-66 'List of type ratings'. The use of the term 'series' where the corresponding series are not duly identified within the detailed scope of approval as per the MOE chapter 1.9 (or equivalent) should be avoided.

3. The competent authority should indicate approval of the exposition in writing.

AMC 145.B.35(1) is amended as follows:

AMC 145.B.35(1) Changes

The applicable part(s) of the EASA Form 6 should be used for the changes to the Part-145 approval.

The investigation of such changes may be achieved by having the competent authority performing a physical audit of the subject line station.

However, this is not the only way, and the physical audit may be replaced by other types of investigation, such as the request from the maintenance organisation to have approved procedures for internal inspection and audit prior to incorporating line stations (performed in all cases by the Quality Department), and the request of documentation supporting such inspections and audits. This method should not be valid if there are open findings on the same area of the Quality System of the applicant.

AMC 145.B.25(1) mentions that for approvals involving more than one Member State it is recommended that the initial approval should be granted on the basis of a joint audit visit. However, this does not prevent the competent authorities from agreeing differently in the particular case of approval of line stations, provided that the principle of joint investigation before approval is respected.

A new GM 145.B.35 is added as follows:

GM 145.B.35 Changes

The changes requiring approval by the competent authority are listed in 145.A.85. These include, among others, any 'additional locations of the organisation', which applies to both line and base maintenance facilities.

As a consequence, 'line stations' are part of the changes which need to be approved by the competent authority in order to determine continued compliance with Part-145.

Point 145.B.35 requires the competent authority to comply with the applicable elements of the initial approval process paragraphs for any change (as mentioned above) to the organisation.

This means that whatever investigation method is used by the competent authority, it is always required the formal direct approval by the competent authority of the MOE with the line station inclusion.

In the case of organisations with facilities in several Member States, special conditions apply as described in 145.B.15. In this case, the investigation of the approval must be carried out in conjunction with the competent authority of the Member State where the other maintenance facilities are located.

It must be noted also that all the previous considerations do not replace the need for the oversight of line stations by the competent authority, as required by 145.B.30.

A new GM 145.B.45 is added as follows:

GM 145.B.45 Revocation, suspension and limitation of approval

The following information provides guidance regarding the various actions taken by the competent authority:

- a) 'Revocation' means the cancellation in whole or in part of the approval.
- It is intended to be used when the full approval or certain rating(s) are cancelled.
 - The certificate should be removed or re-issued with the remaining ratings.
 - If the maintenance organisation wishes to recover the original approval/ratings, then the organisation should re-apply for the former scope of work with a new application, using an EASA Form 2.
 - All findings should be closed before the former approval privileges are granted, which is done by the issuance of a new certificate.
- b) 'Suspension' means a temporary removal in whole or in part of the validity of the approval.
- The approval is held without validity in whole or in part until compliance is re-established.
 - The reinstatement of a suspended approval requires a new investigation based upon an acceptable corrective action plan.
 - A new certificate should not be required, being sufficient a written confirmation of the reinstatement of the suspended approval.
- c) 'Limitation' means removal of a particular privilege.
- It could be seen as a 'revocation' or a 'suspension' but when only a certain privilege or a limited part of the scope of work is affected.

A new AMC to Appendix IV to Part-145 is added as follows:

AMC to Appendix IV to Part-145

In the Appendix IV to Part-145:

- Point 1(a) means that the Part-145 organisation should have available all necessary data related to the licence or certifying staff authorisation issued under the national regulation.
- Point 1(b):
 - The scope of work referred to in this point refers to the basic categories/sub-categories of privileges (e.g. avionics, mechanic, airframe & power plant, etc.) and not to the particular aircraft type rating(s). Aircraft type rating requirements are already covered by points 1(e) and 1(f) and the recent type experience contained in 145.A.35(c).

- The organisation should establish the equivalence of the categories/sub-categories endorsed on the national licence or the certifying staff authorisation issued under the country's national regulation and the intended scope of work of the EASA Part-145 authorisation.
- Point 1(e): a level corresponding to Part-66 Appendix III can be demonstrated as follows:
 - issuance of a type training certificate by a Part-147 approved training organisation, or
 - acceptance by the competent authority of a type training certificate issued by an organisation not approved under Part-147, if the organisation provides full demonstration of compliance to Annex III to Part-66.
- Point 2:

The purpose of this point 2 'Protected rights' is to maintain the existing certification privileges granted by a Part-145 organisation to their certifying staff. However, it is not its purpose to maintain the existing certification privileges that this person may have under the foreign national system (foreign licence or foreign certifying staff authorisation). As a consequence:

 - Certifying staff authorised by the Part-145 organisation before the entry into force of Part-66 could continue exercising the certification privileges granted by this organisation without complying with the Part-66 training requirements (type training, human factors, legislation, etc.).
 - If a certifying staff changes from the Part-145 organisation which issued the authorisation to another Part-145 organisation, the protected rights are lost. Compliance with point 1 of Appendix IV is needed before issuing a new certifying staff authorisation.
 - New certifying staff (of an existing Part-145 organisation or of a prospective Part-145 organisation) need to comply with point 1 of Appendix IV before issuing a new certifying staff authorisation.

4. Regulatory Impact Assessment (RIA)

Due to the nature of changes, which do not introduce additional requirements but clarify the existing ones, no impact assessment has been considered necessary.

5. References

5.1. Affected regulations

None

5.2. Affected CS, AMC and GM

Decision No 2003/19/RM, Annex II (AMC to Part-145) and Annex III (GM to Part-145)

5.3. Reference documents

Letter ref. JAN/kgu/R(4)2013(d)51397, dated 20 March 2013, published on the Agency website, and related to the Rulemaking interpretation on 'Maintenance release of aircraft not covered by the Basic Regulation'.

6. Appendices

None