



# Notice of Proposed Amendment 2015-17

## Airworthiness review process

RMT.0521 — 5.11.2015

### EXECUTIVE SUMMARY

The airworthiness review process, which first entered into force in September 2008, introduced significant changes to former national requirements, among others a new role for the national aviation authorities (NAAs), new privileges for the organisations holding a Part-M, Subpart G approval, specific requirements for personnel involved in this review, description of the process itself, and an airworthiness review certificate (ARC).

Article 24(3) of Regulation (EC) No 216/2008 requires the Agency to assess the implementation impact of regulations.

The feedback obtained by the Agency through activities such as standardisation visits to the Member States (MSs), Article 14 exemptions, and questions from NAAs/stakeholders related to the interpretation of the rules, among others, led the Agency to decide that the airworthiness review process needed to be reviewed.

As a consequence, the European Aviation Safety Agency launched a survey among NAAs and stakeholders whose results are included in Chapter 5.3 of this NPA. In order to address the issues raised during the survey, the Agency has issued this NPA that:

- provides clearer requirements/guidance on those aspects creating interpretation/standardisation problems;
- removes those requirements that do not bring any safety benefits;
- facilitates the transfer of aircraft between MSs; and
- reinforces the oversight role of the NAAs.

In line with the objective of providing proportionate and cost-efficient rules for General Aviation (GA) while maintaining an acceptable level of safety, the Agency coordinates the proposals included in this NPA with RMT.0463 'Task Force for the review of Part-M for General Aviation' (PHASE I) and RMT.0547 'Task Force for the review of Part-M for General Aviation' (PHASE II).

Applicability		Process map	
Affected regulations and decisions:	Regulation (EU) No 1321/2014; Regulation (EU) No 748/2012; ED Decision No. 2003/19/RM; ED Decision No. 2003/1/RM	Concept Paper:	No
Affected stakeholders:	Air operators/aircraft owners; continuing airworthiness management organisations (CAMOs); maintenance organisations; airworthiness review staff (ARS); national aviation authorities (NAAs)	Terms of Reference:	4.5.2015
Driver/origin:	Safety/legal obligation	Rulemaking group:	Yes
Reference:	Article 24(3) of Regulation (EC) No 216/2008	RIA type:	Light
		Technical consultation during NPA drafting:	No
		Duration of NPA consultation:	3 months
		Review group:	Yes
		Focused consultation:	No
		Publication date of the Opinion:	2017/Q1
		Publication date of the Decision:	Upon adoption of the Opinion by the Commission



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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 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the Agency's [4-year Rulemaking Programme](#) under RMT.0521.

The text of this NPA has been developed by the Agency based on the input of the Rulemaking Group RMT.0521. It is hereby submitted for consultation of all interested parties<sup>3</sup>.

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. Chapter 4 contains the regulatory impact assessment (RIA) showing which options were considered and what impacts were identified, thereby providing the detailed justification for this NPA.

### 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/><sup>4</sup>.

The deadline for submission of comments is **5 February 2016**.

### 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 a Comment-Response Document (CRD).

The Agency will publish the CRD with the Opinion. The Opinion contains proposed changes to European Union (EU) regulations and it is addressed to the European Commission (EC), which uses it as a technical basis to prepare a legislative proposal.

The Decision containing acceptable means of compliance (AMC) and guidance material (GM) will be published by the Agency when the related implementing rule(s) (IRs) are adopted by the Commission.

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<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, 19.3.2008, p. 1).

<sup>2</sup> 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.

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

<sup>4</sup> In case of technical problems, please contact the CRT webmaster ([crt@easa.europa.eu](mailto:crt@easa.europa.eu)).



## 2. Explanatory Note

In accordance with Regulation (EU) No 748/2012<sup>5</sup>, since 28 September 2008, a certificate of airworthiness (CofA) is issued for an unlimited duration. To ensure its validity, since the above-mentioned date for aircraft involved in Commercial Air Transport (CAT), and since 28 September 2009 for other aircraft, the aircraft and its continuing airworthiness records must be reviewed and an airworthiness review certificate (ARC) must be issued in accordance with Commission Regulation (EU) No 1321/2014<sup>6</sup>, as amended by Regulation (EU) No 2015/1088<sup>7</sup>. This process, i.e. the airworthiness review, introduced significant changes to former national requirements, among others a new role for the national aviation authorities (NAAs), new privileges for the organisations holding a Part-M, Subpart G approval (e.g. continuing airworthiness management organisations (CAMOs)), specific requirements for personnel involved in this review, description of the process itself, and an ARC.

### 2.1. Overview of the issues to be addressed

In accordance with Article 24(3) of the Basic Regulation, the Agency shall assess the impact of the implementation of regulations. The impact of the airworthiness review process has been assessed taking into consideration the feedback from the activities performed by the Agency. These activities include, among others, standardisation visits to the Member States (MSs), evaluation of derogations granted by MSs, and providing responses to questions from NAAs/stakeholders. A survey, whose results are included in Chapter 5.3 below, was launched in September 2012 in order to collect feedback on specific topics.

Based on the above-mentioned information, the Agency initiated a rulemaking activity to:

- provide clearer requirements to ease the implementation of the rule; and
- remove those requirements which, without a safety benefit, created an administrative burden.

The present rulemaking task (RMT.0521) addresses the issuing of the CofA when transferring an aircraft registration within the European Union (EU). This topic stems from rulemaking task RMT.0278 (MDM.078) 'Importing of aircraft from other regulatory system, and Part-21, Subpart H review' because the process is closer to the transfer of an aircraft between MSs, which is already part of this rulemaking activity.

### 2.2. Objectives

The objectives of the EU in the field of civil aviation are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of these objectives by addressing the issues outlined in Chapter 2.1 above.

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<sup>5</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 (OJ L 224, 21.8.2012, p. 1).

<sup>6</sup> Commission Regulation (EC) 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 (Recast) (OJ L 362, 17.12.2014, p. 1).

<sup>7</sup> Commission Regulation (EU) 2015/1088 of 3 July 2015 amending Regulation (EU) No 1321/2014 as regards alleviations for maintenance procedures for general aviation aircraft (OJ L 176, 7.7.2015, p. 4).



The specific objective of this proposal is to mitigate the risks linked to a substandard airworthiness review — having potential safety consequences in those cases where the actual airworthiness status of the aircraft being below the standard has not been identified — by:

- ensuring an adequate level of safety;
- revising the requirements with no safety benefits; and
- providing as clear and simple requirements as possible in order to reduce administrative burden and ease implementation.

In line with the objective of ensuring proportionate and cost-efficient rules for General Aviation (GA) while maintaining an acceptable level of safety, the Agency ensures coordination with RMT.0463 'Task Force for the review of Part-M for General Aviation' (PHASE I) and RMT.0547 'Task Force for the review of Part-M for General Aviation' (PHASE II).

### 2.3. Summary of the RIA

The more detailed light RIA is contained in Chapter 4 of this NPA.

### 2.4. Overview of the proposed amendments

The proposed amendments to Annex I (Part-M) of Regulation (EU) No 1321/2014, Annex I (Part-21) of Regulation (EU) No 748/2012, as well as to their associated AMC/GM, are the following:

- The structure of Regulation (EU) No 1321/2014 is amended so that all requirements on airworthiness review, except the privileges to the organisations, are collected under Subpart I:

## SECTION A — TECHNICAL REQUIREMENTS

### SUBPART I — AIRWORTHINESS REVIEW CERTIFICATE

- M.A.901 Aircraft airworthiness review — General
- M.A.902 Validity of the airworthiness review certificate
- M.A.903 Airworthiness review process
- M.A.904 Airworthiness review staff
- M.A.905 Transfer of aircraft registration within the EU
- M.A.906 Airworthiness review of aircraft imported into the EU
- M.A.907 Findings

## SECTION B — PROCEDURE FOR COMPETENT AUTHORITIES

### SUBPART I — AIRWORTHINESS REVIEW CERTIFICATE

- M.B.901 Airworthiness review by the competent authority
- M.B.902 Assessment of airworthiness review staff
- M.B.903 Assessment of recommendations



M.B.904 Transfer of aircraft registration within the EU

M.B.905 Import of aircraft into the EU

M.B.906 Findings

M.B.907 Record keeping

Some provisions in Subpart G of said Regulation (e.g. M.A.707, M.A.710) have been deleted as they were transferred to Subpart I.

- An approved organisation or certifying staff, if approved according to M.A.901(c) and M.A.901(d), will issue an ARC directly based on their respective privileges (no more classification of aircraft above or below 2730 kg maximum take-off mass (MTOM)).
- A recommendation referred to in M.A.901(b)(2) is only needed for imports of used aircraft. The recommendation itself is described in AMC M.A.901(b), and how it is assessed by the CA can be found in M.B.903 and its related AMC.
- The conditions for the extension of an ARC (M.A.902(b)) are no longer linked to a unique CAMO during the previous 12 months. The CAMO managing the continuing airworthiness of the aircraft may extend the ARC if, when starting to manage the continuing airworthiness, it declares to the CA of the State of registry that it is in full control of the aircraft and that the aircraft can be considered as being in a controlled environment for the purpose of an eventual extension of the ARC. For more information, please refer to the analysis of the different options in the RIA (Chapter 4).
- The airworthiness review is described in M.A.903. The different tasks before issuing the ARC or recommendation are better explained in the related AMC and GM. Among other things, the AMC details the workflow after the documented review and the physical survey: the airworthiness review staff (ARS) informs the CAMO/owner about the findings after the airworthiness review, and assesses the actions taken by the CAMO/owner. The ARS issues the ARC/recommendation when satisfied with the actions (an open entry in the technical log system of the CAMO/owner is considered acceptable). The responsibilities of the different actors in the process are also explained, as well as the management of the findings. Moreover, the participation of a maximum of two airworthiness review support staff is allowed in order to assist the ARS.
- The content of the airworthiness review is described in M.A.903(b) and (c), and the compliance report of the review is found in AMC M.A.903. The IRs do not change significantly compared to the current regulation but their related AMC/GM provide more guidance on how to use samples and how to perform an airworthiness review. The approved organisation needs to develop sampling guidelines to indicate the minimum sample for each section to be reviewed. These samples must be proportional to the number of items to be sampled.
- The part of the rule describing the content of the airworthiness review is applicable not only to the approved organisations or certifying staff but also to the CAs (M.B.901) when performing the airworthiness review in the cases described under M.B.901(b).



- A merged ARC (EASA Form 15a and EASA Form 15b) is proposed in Appendix III with some amended wording, such as the deletion of the word ‘airworthy’ when the certificate is extended, and the removal of the flight hours information.
- The requirements for being accepted as ARS are found in M.A.904. This provision also includes the conditions for qualifying personnel to assist these staff when performing the airworthiness review. The AMC and GM to this provision describe, among other things, the supervision goals and how to assess the competences of such staff. The amended M.B.902 explains how the CA performs this assessment.
- AMC M.A.904 includes information regarding which staff holding positions with appropriate responsibilities are adequate to be nominated as ARS. Namely, certifying staff who have not released the aircraft from base maintenance during the preceding three months are considered acceptable for being ARS. Additionally, the accountable manager is no more regarded as potentially eligible ARS based on overall authority.
- The requirements for the staff who perform the airworthiness review are also applicable to the CA (M.B.901(c)).
- The oversight aspect is enforced in M.B.604, M.B.704 and 145.B.30 by specifically stating that during the oversight over the organisations, an audit of the airworthiness review shall be performed (no need to participate in the complete airworthiness review).
- The processes of issuing a CofA and an ARC when transferring aircraft between MSs are aligned (amended M.A.905, 21.A.174(b)(3)(i) and 21.B.326(b), as well as a new provision (M.B.904) is added).

ARC is mutually recognised and a statement signed by the owner/CAMO is requested before validating the ARC with the new registration. The CAMO or the CA, if there is no CAMO, are responsible for validating the ARC with the new registration. On the other hand, monitoring of aircraft recently transferred is increased by introducing it into the ACAM programme and/or product survey of the approved organisation.

The above-mentioned statement helps the CA to assess if the transfer process takes place in a controlled manner, the aircraft is under control, and the person accountable in accordance with M.A.201 is aware of their responsibilities for continuing airworthiness.

Additionally, AMC/GM provide further clarification on when the maintenance programme (approved or declared) for the aircraft with the new registration should be available.

The provisions in 21.A.179 ‘Transferability and re-issuance within Member States’ (Section A) that are applicable to the CA are transferred to 21.B.326 (Section B).

- The current conditions related to import of aircraft are transferred to the new point M.A.906 and its related AMC. A new point M.B.905 for the CA is created. These provisions will probably be further amended through RMT.0278 (MDM.078) ‘Importing of aircraft from other regulatory system, and Part-21, Subpart H review’.
- The NAAs’ record-keeping requirements are included in the rule (new M.B.907).
- Finally, the rule and AMC/GM have been amended for consistency reasons, as for example M.A.901(l) (the term ‘inconclusive’ has been deleted) or AMC M.A.711(c) (to avoid that the



permit-to-fly process is affected by the deletion of the 'controlled environment'). Other points have also been amended in order to update the references altered due to the structure change of Part-M, Subpart I.



### 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 regulation (draft EASA opinion)

##### 3.1.1. Changes to Annex I (Part-M) to Regulation (EU) No 1321/2014

'CONTENTS' is amended as follows:

#### CONTENTS

##### M.1

(...)

SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION

(...)

~~M.A.707 Airworthiness review staff~~

(...)

~~M.A.710 Airworthiness review~~

(...)

SUBPART I — AIRWORTHINESS REVIEW CERTIFICATE

M.A.901 Aircraft airworthiness review — General

M.A.902 Validity of the airworthiness review certificate

M.A.903 ~~Transfer of aircraft registration within the EU~~ Airworthiness review process

M.A.904 ~~Airworthiness review of aircraft imported into the EU~~ Airworthiness review staff

M.A.905 Findings ~~Transfer of aircraft registration within the EU~~

M.A.906 Airworthiness review of aircraft imported into the EU

M.A.907 Findings

SECTION B — PROCEDURES FOR COMPETENT AUTHORITIES

(...)

SUBPART I — AIRWORTHINESS REVIEW CERTIFICATE

M.B.901 ~~Assessment of recommendations~~ Airworthiness review by the competent authority

M.B.902 ~~Airworthiness review by the competent authority~~ Assessment of airworthiness review staff

M.B.903 Findings ~~Assessment of recommendations~~



M.B.904 Transfer of aircraft registration within the EU

M.B.905 Import of aircraft into the EU

M.B.906 Findings

M.B.907 Record keeping

M.A.302(h) is amended as follows:

**M.A.302 Aircraft Maintenance Programme**

(...)

(h) In the case of ELA1 aircraft not involved in commercial operations, compliance with points (b), (c), (d), (e), and (g) may be replaced by compliance with all the following conditions:

(...)

5. The aircraft maintenance programme shall be reviewed at least annually. This review of the maintenance programme shall be performed either:

- by the person who performs the airworthiness review of the aircraft in accordance with point M.A.710901(e), or
- by the M.A. Subpart G organisation managing the continuing airworthiness of the aircraft in those cases where the review of the maintenance programme is not performed in conjunction with an airworthiness review.

If the review shows discrepancies on the aircraft linked to deficiencies in the content of the maintenance programme, the person performing the review shall inform the competent authority of the Member State of registry and the owner shall amend the maintenance programme as agreed with such competent authority.

M.A.615 (e) is amended as follows:

**M.A.615 Privileges of the organisation**

(...)

(e) if specifically approved to do so for ELA1 aircraft not involved in commercial operations,

1. perform airworthiness reviews and issue the corresponding airworthiness review certificate, under the conditions specified in point M.A.901(l), and
2. perform airworthiness reviews and issue the corresponding recommendations, under the conditions specified in point M.A.901(l) and M.A.9046(a)2 and (b).

M.A.707 Airworthiness review staff is deleted.

M.A.710 Airworthiness review is deleted.



M.A.711 Privileges of the organisation is amended as follows:

**M.A.711 Privileges of the organisation**

(a) A continuing airworthiness management organisation approved in accordance with Section A, Subpart G or this Annex (Part-M) may:

(...)

4. extend, under the conditions of point M.A.901 (f) M.A.902(b), an airworthiness review certificate that has been issued by the competent authority or by another continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M);

(b) An approved continuing airworthiness management organisation registered in one of the Member States may, additionally, be approved to carry out airworthiness review referred to in point M.A.710 M.A.903 and:

1. issue the related airworthiness review certificate and extend it in due time under the conditions of points M.A.901 (c)2 or M.A.901 (e)2 M.A.901(b) and M.A.902(b); and,

(...)

M.A.712 is amended as follows:

**M.A.712 Quality system**

(...)

(f) In the case of a small organisation not managing the continuing airworthiness of aircraft used in commercial air transport, the quality system may be replaced by regular organisational reviews subject to the approval of the competent authority, except when the organisation issues airworthiness review certificates for aircraft above 2730 kg MTOM other than balloons for other than ELA2 aircraft. In the case where there is no quality system, the organisation shall not contract continuing airworthiness management tasks to other parties.

M.A.901, except point (l), is replaced by the following text:

**M.A.901 Airworthiness review — General**

(a) An airworthiness review of the aircraft in accordance with M.A.903 shall be carried out periodically to ensure the validity of the aircraft airworthiness certificate.

(b) The satisfactory completion of an airworthiness review will result in:

1. an airworthiness review certificate issued in accordance with Appendix III; or

2. when a used aircraft is imported from a non-EU Member State, a recommendation to the competent authority for the issuance of the airworthiness review certificate.

(c) Any continuing airworthiness management organisation approved in accordance with M.A.711(b) may perform an airworthiness review of an aircraft included in its approval schedule.

(d) In the case of ELA1 aircraft not involved in commercial operations, the airworthiness review may also be performed by:



1. the Part-145 or Part-M, Subpart F maintenance organisation performing the annual inspection, if appropriately approved in accordance with M.A.901(l); or
  2. accepted certifying staff to perform airworthiness review in accordance with M.A.904(g).
- (e) The airworthiness review certificate or the recommendation shall be signed by the airworthiness review staff who performed the airworthiness review. When this review is performed in accordance with the privileges of an approved organisation as stated in M.A.711 (b), M.A.615 (e) or 145.A.75(f), the airworthiness review staff shall sign the airworthiness review certificate or the recommendation on behalf of such organisation.
- (f) The competent authority shall carry out the airworthiness review and issue an airworthiness review certificate itself:
1. when the aircraft is managed by a continuing airworthiness management organisation located in a non-EU Member State; or
  2. for ELA2 aircraft if requested by the owner.
- (g) When the competent authority carries out the airworthiness review and/or issues the airworthiness review certificate itself, the person or organisation responsible for the continuing airworthiness of the aircraft in accordance with M.A.201 must provide the competent authority with:
1. access to the applicable data as specified in M.A.305, M.A.306 and M.A.401;
  2. suitable accommodation at the appropriate location for its personnel; and
  3. when necessary, the support of personnel appropriately qualified in accordance with Annex III (Part-66) to this Regulation or equivalent personnel requirements laid down in 145.A.30(j)(1) and (2) of Annex II (Part-145) to this Regulation.
- (h) The airworthiness review may be anticipated for a maximum period of 90 days before the expiry date of the airworthiness review certificate, without loss of continuity of the airworthiness review pattern.
- (i) The airworthiness review shall not be subcontracted.
- (j) An airworthiness review certificate shall not be issued if there is evidence or reason to believe that the aircraft is not airworthy.
- (k) A copy of the airworthiness review certificate issued or extended for an aircraft shall be sent to the Member State of registry of that aircraft within 10 days.



M.A.901(l) is amended as follows:

(...)

2. The airworthiness review is performed at the same time as the annual inspection contained in the maintenance programme and by the same person who releases such annual inspection, being possible to use the 90 days anticipation provision contained in ~~M.A.710(d)~~ M.A.901(h).
3. The airworthiness review includes a ~~full~~ documented review in accordance with ~~point M.A.710 (a)~~ M.A.903(b).
4. The airworthiness review includes a physical survey of the aircraft in accordance with ~~points M.A.710 (b) and (c)~~ M.A.903(c).
5. An airworthiness review certificate EASA Form 15c is issued, on behalf of the maintenance organisation, by the person who performed the airworthiness review when satisfied that:
  - (a) the airworthiness review has been completely and satisfactorily carried out; and
  - (b) the maintenance programme has been reviewed in accordance with point ~~M.A.710~~ M.A.901(e); and
  - (c) there is no non-compliance which is known to endanger flight safety.

(...)

7. The competent authority of the Member State of ~~R~~ Registry is informed within 72 hours if ~~the organisation has determined that the airworthiness review is inconclusive or~~ if the review under point M.A.901 (l)5(b) shows discrepancies on the aircraft linked to deficiencies in the content of the maintenance programme.

M.A.902 is replaced by the following:

**M.A.902 Validity of the airworthiness review certificate**

- (a) An airworthiness review certificate is valid for one year. The validity of the airworthiness review certificate may be extended for one year, with a maximum of two consecutive extensions.
- (b) The airworthiness review certificate shall only be extended by the continuing airworthiness management organisation managing the continuing airworthiness of the aircraft, subject to the following conditions:
  1. the continuing airworthiness of the aircraft has been continuously managed by one or several continuing airworthiness management organisations since the last issue or extension of the airworthiness review certificate;
  2. this organisation has previously notified the competent authority of the State of registry that they are in full control of the continuing airworthiness of the aircraft and that the aircraft can be considered as being in a controlled environment for the purpose of an eventual extension of the certificate;



3. the aircraft has been maintained by a maintenance organisation approved in accordance with Part-145, or Part-M, Subpart F, except that maintenance tasks referred to in point M.A.803(b) may be carried out and released to service in accordance with M.A.801(b)2 or M.A.801(b)3; and
  4. there is no evidence or reason to believe that the aircraft is not airworthy.
- (c) The extension of the airworthiness review certificate shall be signed by nominated staff responsible for the continuing airworthiness management of the aircraft or by airworthiness review staff.
- (d) An airworthiness review certificate becomes invalid if:
1. it is suspended or revoked; or
  2. the continuing airworthiness of the aircraft or any component fitted to the aircraft does not meet the requirements of this Part ; or
  3. the airworthiness certificate is suspended or revoked.
- (e) An aircraft must not fly if the airworthiness certificate is invalid.
- (f) Upon surrender or revocation, the airworthiness review certificate shall be returned to the competent authority.

M.A.903 is replaced by the following (incorporating also some parts of the current M.A.710):

**M.A.903 Airworthiness review process**

- (a) An airworthiness review is a process that comprises all the tasks and activities for determining the airworthiness status of an aircraft based on a documented review of its records and a physical survey.
- (b) The documented review of the aircraft records shall be carried out to be satisfied that:
1. airframe, engine and propeller flight hours and associated flight cycles have been properly recorded;
  2. the flight manual is applicable to the aircraft configuration and reflects the latest revision status;
  3. the maintenance due on the aircraft according to the approved maintenance programme has been carried out;
  4. known defects have been corrected or, when applicable, carried forward in a controlled manner;
  5. applicable airworthiness directives and the measures mandated by the competent authority have been complied with and properly registered;
  6. modifications and repairs applied to the aircraft have been registered and are in compliance with Annex I (Part-21) to Regulation (EU) No 748/2012;
  7. service life limited components installed on the aircraft are properly identified, registered and have not exceeded their approved service life limit;



8. maintenance has been released in accordance with Annex I (Part-M) to this Regulation;
  9. the current mass and balance statement reflects the configuration of the aircraft and is valid;
  10. the aircraft complies with the latest revision of its type design approved by the Agency; and
  11. if required, the aircraft holds a noise certificate corresponding to the current configuration of the aircraft in compliance with Subpart I of Annex I (Part-21) to Regulation (EU) No 748/2012.
- (c) The physical survey of the aircraft shall ensure that:
1. required markings and placards are properly installed;
  2. the aircraft complies with its approved flight manual;
  3. the aircraft configuration complies with the approved documentation;
  4. no evident defect can be found that has not been addressed according to M.A.403; and
  5. no inconsistencies can be found between the aircraft and the documented review of its records.
- (d) The time between physical survey and documented review shall not exceed 60 calendar days.
- (e) For ELA1 aircraft not involved in commercial operations for which the aircraft maintenance programme has been established in accordance with M.A.302(h), the aircraft maintenance programme shall be reviewed in conjunction with the airworthiness review. This review shall be accomplished by the person who performed the airworthiness review.
- (f) Should the review under point M.A.901(e) show discrepancies on the aircraft linked to deficiencies in the content of the maintenance programme, the competent authority shall be informed by the organisation as soon as practicable but in any case within 72 hours from the moment the organisation identifies the condition to which the review relates. The airworthiness review certificate shall not be issued until all findings have been closed.

M.A.904 is replaced by the following:

**M.A.904 Airworthiness review staff**

- (a) Staff can be nominated to the competent authority by a continuing airworthiness management organisation to perform airworthiness reviews when they:
1. have acquired knowledge, as shown by:
    - (i) an appropriate license issued in compliance with Annex III (Part-66) to this Regulation, or an aeronautical degree or national equivalent;
    - (ii) appropriate aeronautical training;
  2. at least five years' experience in continuing airworthiness which may be reduced to three years for other-than-complex motor-powered aircraft not used in commercial air transport; and



3. hold a position within the approved organisation with appropriate responsibilities.
- (b) Airworthiness review staff nominated by the continuing airworthiness management organisation may only be issued an authorisation by the organisation when they are formally accepted by the competent authority.
- (c) A continuing airworthiness management organisation may authorise airworthiness review support staff to assist the airworthiness review staff in performing specific tasks of the airworthiness review.
- (d) Airworthiness review staff and airworthiness review support staff shall be identified in the approved exposition of the organisation showing the details of such authorisation, the scope of work and the authorisation reference.
- (e) The continuing airworthiness management organisation shall ensure that airworthiness review staff and airworthiness review support staff have recent continuing airworthiness management experience to ensure the validity of the authorisation.
- (f) The continuing airworthiness management organisation shall maintain records of all airworthiness review staff and airworthiness review support staff for two years after these staff have left the organisation.
- (g) Certifying staff may be formally accepted by the competent authority to perform airworthiness review for ELA1 aircraft not involved in commercial operations. The certifying staff shall apply to the competent authority of the State of registry when fulfilling the conditions described in (a)(1)&(2) above. The staff may only be formally accepted by this competent authority after satisfactory completion of an airworthiness review under supervision of the competent authority, where the procedure of performing an airworthiness review shall be checked.

M.A.905 is replaced by the following:

**M.A.905 Transfer of aircraft registration within the EU**

- (a) The owner shall notify the competent authority of the former Member State of registry in which Member State the aircraft will be registered.
- (b) The owner shall submit an application to the competent authority for a new airworthiness certificate in accordance with 21.A.174 of Regulation (EU) No 748/2012.
- (c) Where the current airworthiness review certificate remains valid, the certificate with the new registration may be validated:
  1. by the continuing airworthiness management organisation responsible for the continuing airworthiness management of the aircraft who shall send a copy of the certificate to the competent authority; or
  2. when the continuing airworthiness of the aircraft is not managed by a continuing airworthiness management organisation, by the competent authority of the Member State of registry.



- (d) The airworthiness review certificate may only be validated once the person or organisation responsible for the continuing airworthiness of the aircraft in accordance with M.A.201 has sent a statement to the competent authority confirming that:
1. the aircraft has a maintenance programme;
  2. all required maintenance specified by the maintenance programme has been carried out;
  3. known defects have been corrected or, when applicable, carried forward in a controlled manner;
  4. all modifications and inspections deemed mandatory have been carried out as required; and
  5. all aircraft records are under control.

A new M.A.906, transferred from the current M.A.904 and amended for consistency, is added:

**M.A.906 Airworthiness review of aircraft imported into the EU**

- (a) When importing an aircraft into a Member State register from a non-EU Member State, the applicant shall:
1. apply to the Member State of registry for the issuance of a new airworthiness certificate in accordance with Annex I (Part-21) to Regulation (EU) No 748/2012; and
  2. for aircraft other than new, have an airworthiness review satisfactorily carried out in accordance with M.A.903; and
  3. have all maintenance carried out to comply with the appropriate maintenance programme in accordance with M.A.302.
- (b) When satisfied that the aircraft is in compliance with the relevant requirements, the continuing airworthiness management organisation or maintenance organisation or MA.901(d)(2) certifying staff performing the airworthiness review, as applicable, shall send a documented recommendation for the issuance of an airworthiness review certificate to the Member State of registry.
- (c) The owner shall allow access to the aircraft for inspection by the Member State of registry.
- (d) A new airworthiness certificate shall be issued by the Member State of registry when it is satisfied that the aircraft complies with the prescriptions of Annex I (Part-21) to Regulation (EU) No 748/2012.
- (e) The Member State of registry shall also issue the airworthiness review certificate.

M.A.905 is renumbered M.A.907 and amended as follows:

**M.A.905~~7~~ Findings**

(...)

- (c) After receipt of notification of findings according to M.B.903~~6~~, the person or organisation accountable referred to in M.A.201 shall define a corrective action plan and demonstrate corrective action to the satisfaction of the competent authority within a period agreed with this



authority including appropriate corrective action to prevent reoccurrence of the finding and its root cause.

M.B.604 is amended as follows:

**M.B.604 Continuing oversight**

(...)

- (b) Each organisation shall be completely audited at periods not exceeding 24 months. If the organisation is approved in accordance with M.A.615(e) to carry out airworthiness reviews, the performance of an airworthiness review shall be audited.

(...)

M.B.704 is amended as follows:

**M.B.704 Continuing oversight**

(...)

- (b) Each organisation shall be completely audited at periods not exceeding 24 months. If the organisation is approved in accordance with M.A.711(b) to carry out airworthiness reviews, the performance of an airworthiness review shall be audited.

(...)

M.B.901 is replaced by the following:

**M.B.901 Airworthiness review certificate issued by the competent authority**

- (a) The competent authority shall issue an airworthiness review certificate in accordance with Appendix III to Part-M after performing the airworthiness review itself or after the assessment of a recommendation in accordance with M.B.903.
- (b) The competent authority shall carry out the airworthiness review in accordance with M.A.903:
1. whenever circumstances reveal the existence of a potential safety threat; or
  2. when the aircraft is managed by a continuing airworthiness management organisation located in a non-EU Member State; or
  3. for ELA2 aircraft, if requested by the owner/operator.
- (c) The airworthiness review shall be performed by appropriate staff qualified as airworthiness review staff in accordance with M.A.904(a)(1) and (2).
- (d) After satisfactory completion of the airworthiness review, the staff that has carried out this airworthiness review shall issue an airworthiness review certificate valid for one year.

M.B.902 is replaced by the following:

**M.B.902 Assessment of airworthiness review staff**



- (a) Before accepting the staff to perform the airworthiness reviews, the competent authority shall assess, during an airworthiness review under supervision:
1. the staff nominated by the organisation; or
  2. the certifying staff.
- (b) After satisfactory completion of an airworthiness review under supervision, the competent authority shall accept the staff.

M.B.903 is replaced by the following:

#### **M.B.903 Assessment of recommendations**

- (a) Upon receipt of an application and associated recommendation to issue an airworthiness review certificate, the competent authority may issue an airworthiness review certificate directly or after performing:
1. a complete or partial assessment of the recommendation; or
  2. a complete airworthiness review.
- (b) The assessment of the recommendation shall be performed by appropriate authorised personnel of the competent authority. These personnel shall verify that the recommendation demonstrates that a complete M.A.903 airworthiness review has been carried out.
- (c) The authorised personnel assessing the recommendation, when satisfied that the aircraft is airworthy, shall issue the airworthiness review certificate.
- (d) The competent authority shall ensure that the personnel authorised to assess recommendations shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, as well as initial and recurrent training to ensure their continuing competence.

M.B.904 is added as follows:

#### **M.B.904 Transfer of aircraft registration within the EU**

- (a) Upon receipt of an application for a new airworthiness certificate, the competent authority may contact the former Member State of registry for the transfer of information.
- (b) If the continuing airworthiness of the aircraft is not managed by a continuing airworthiness management organisation, the competent authority of the new Member State of registry shall validate the existing airworthiness review certificate with the new registration upon presentation of the statement described in M.A.905(d).
- (c) The competent authority shall include at the earliest opportunity the aircraft into the Aircraft Continuing Airworthiness Monitoring (ACAM) programme or product survey of the approved organisation(s).

M.B.905 is added as follows:

#### **M.B.905 Import of aircraft into the EU**



The competent authority shall issue an airworthiness review certificate for a new or used aircraft coming from a non-EU Member State in addition to the appropriate certificate of airworthiness.

M.B.903 is renumbered M.B.906 and amended as follows:

#### **M.B.903~~6~~ Findings**

If during aircraft surveys or by other means evidence is found showing non-compliance to a Part-M requirement, the competent authority shall take the following actions:

- (a) for level 1 findings, the competent authority shall require appropriate corrective action to be taken before further flight, and immediate action shall be taken by the competent authority to revoke or suspend the airworthiness review certificate; and
- (b) for level 2 findings, the corrective action required by the competent authority shall be appropriate to the nature of the findings.

M.B.907 is added as follows:

#### **M.B.907 Record keeping**

- (a) The competent authority shall maintain records of its airworthiness review staff and authorised personnel assessing recommendations, if applicable, for two years after these staff have left the organisation. These records shall include details of any appropriate qualification together with a summary of relevant continuing airworthiness management experience and training.
- (b) All records relating to recommendations made to the competent authority shall be kept for three years after the recommendation was submitted or the airworthiness review certificate was issued, whichever is later.
- (c) All records relating to airworthiness reviews carried out by the competent authority shall be kept for three years after the review was carried out. A copy of the airworthiness review compliance report shall be provided to the owner/operator.
- (d) The competent authority shall keep true copies of all airworthiness review certificates it issues.



Appendix III is amended by replacing EASA Form 15a and b with the following:

[MEMBER STATE]  
A Member of the European Union(\*)

**AIRWORTHINESS REVIEW CERTIFICATE**

ARC reference: .....

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council for the time being into force, the following:

[COMPETENT AUTHORITY OF THE MEMBER STATE]  
[NAME OF ORGANISATION APPROVED AND ADDRESS]  
Approval reference : [MEMBER STATE CODE].MG.[NNNN].  
Approval reference: [MEMBER STATE CODE]. [MF or 145].[NNNN].

Certifying staff [Name]

hereby certifies that the following aircraft qualifies for an airworthiness review certificate in accordance with Annex I (Part-M) to Regulation (EU) No 1321/2014:

Aircraft manufacturer: .....

Manufacturer's designation: .....

Aircraft registration: .....

Aircraft serial number: .....

and is considered airworthy at the time of issue.

Date of issue: ..... Date of expiry: .....

Signed: ..... Authorisation No: .....

1st Extension: The Airworthiness Review Certificate has been extended in accordance with M.A.902 of Annex I (Part-M) to Regulation (EU) No 1321/2014.

Date of issue: ..... Date of expiry: .....

Signed: ..... Authorisation No: .....

Company Name: ..... Approval reference: .....

2nd Extension: The Airworthiness Review Certificate has been extended in accordance with M.A.902 of Annex I (Part-M) to Regulation (EU) No 1321/2014.

Date of issue: ..... Date of expiry: .....

Signed: ..... Authorisation No: .....

Company Name: ..... Approval reference: .....

EASA Form 15a/b Issue 1

(\*) Delete for non-EU Member States.



**3.1.2. Changes to Annex II (Part-145) to Regulation (EU) No 1321/2014**

145.A.75 is amended as follows:

**145.A.75 Privileges of the organisation**

(...)

- (f) If specifically approved to do so for ELA1 aircraft not involved in commercial operations,
1. perform airworthiness reviews and issue the corresponding airworthiness review certificate, under the conditions specified in point M.A.901(l), and
  2. perform airworthiness reviews and issue the corresponding recommendation, under the conditions specified in point M.A.901(l) and M.A.9046(a)2 and (b).

145.B.30 is amended as follows:

**145.B.30 Continuation of an approval**

(...)

2. Each organisation must be completely reviewed for compliance with this Annex (Part-145) at periods not exceeding 24 months. If the organisation is approved in accordance with 145.A.75(f) to carry out airworthiness reviews, the performance of an airworthiness review shall be audited.

(...)



### 3.1.3. Changes to Annex I (Part-21) to Regulation (EU) No 748/2012

21.A.174 is amended as follows:

#### **21.A.174 Application**

(...)

(b) Each application for a certificate of airworthiness or restricted certificate of airworthiness shall include:

(...)

(3) with regard to used aircraft:

(i) originating from a Member State:

- an airworthiness review certificate issued in accordance with Part-M; and
- a copy of the certificate of airworthiness or restricted certificate of airworthiness with the former registration.

(...)

21.A.179 Transferability and re-issuance within Member States is amended as follows.

~~(a)~~ Where ownership of an aircraft has changed:

~~1. if it and the aircraft remains on the same register, the certificate of airworthiness, or the restricted certificate of airworthiness conforming to a restricted type-certificate only, shall be transferred together with the aircraft;~~

~~2. if the aircraft is registered in another Member State, the certificate of airworthiness, or the restricted certificate of airworthiness conforming to a restricted type-certificate only, shall be issued:~~

~~(i) upon presentation of the former certificate of airworthiness and of a valid airworthiness review certificate issued under Part M; and~~

~~(ii) when satisfying point 21.A.175.~~

~~(b) Where ownership of an aircraft has changed, and the aircraft has a restricted certificate of airworthiness not conforming to a restricted type-certificate, the airworthiness certificates shall be transferred together with the aircraft provided the aircraft remains on the same register, or issued only with the formal agreement of the competent authority of the Member State of registry to which it is transferred.~~

The current 21.B.326 is amended as follows:

#### **21.B.326 Certificate of airworthiness**

The competent authority of the Member State of registry shall issue a certificate of airworthiness for:

(...)

(b) used aircraft originating from a Member State:



1. upon presentation of the documentation required in 21.A.174(b)(3) demonstrating that;  
and
    - (i) ~~the aircraft conforms to a type design approved under a type certificate and any supplemental type certificate, change or repair approved in accordance with this Annex I (Part-21); and~~
    - (ii) ~~the applicable airworthiness directives have been complied with; and~~
    - (iii) ~~the aircraft has been inspected in accordance with the applicable provisions of Annex I (Part-M) of Regulation (EC) No 2042/2003;~~
  2. ~~when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry when satisfying 21.A.175.~~
- (c) used aircraft originating from a non-EU Member State:
1. upon presentation of the documentation required in 21.A.174(b)(3) demonstrating that:
    - (i) the aircraft conforms to a type design approved under a type certificate and any supplemental type certificate, change or repair approved in accordance with this Annex (Part-21); and
    - (ii) the applicable airworthiness directives have been complied with; and
    - (iii) the aircraft has been inspected in accordance with the applicable provisions of Annex I (Part-M) to Regulation (EU) No 1321/2014;
  2. when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry.



Appendix II is replaced by the following:

[MEMBER STATE]

A Member of the European Union(\*)

AIRWORTHINESS REVIEW CERTIFICATE

ARC reference: .....

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council for the time being into force, the following:

[COMPETENT AUTHORITY OF THE MEMBER STATE]

[NAME OF ORGANISATION APPROVED AND ADDRESS]

Approval reference : [MEMBER STATE CODE].MG.[NNNN].

Approval reference: [MEMBER STATE CODE]. [MF or 145].[NNNN].

Certifying staff [Name]

hereby certifies that the following aircraft qualifies for an airworthiness review certificate in accordance with Annex I (Part-M) to Regulation (EU) No 1321/2014:

Aircraft manufacturer: .....

Manufacturer's designation: .....

Aircraft registration: .....

Aircraft serial number: .....

and is considered airworthy at the time of issue.

Date of issue: ..... Date of expiry: .....

Signed: ..... Authorisation No: .....

1st Extension: The Airworthiness Review Certificate has been extended in accordance with M.A.902 of Annex I (Part-M) to Regulation (EU) No 1321/2014.

Date of issue: ..... Date of expiry: .....

Signed: ..... Authorisation No: .....

Company Name: ..... Approval reference: .....

2nd Extension: The Airworthiness Review Certificate has been extended in accordance with M.A.902 of Annex I (Part-M) to Regulation (EU) No 1321/2014.

Date of issue: ..... Date of expiry: .....

Signed: ..... Authorisation No: .....

Company Name: ..... Approval reference: .....

EASA Form 15a/b Issue 1

(\*) Delete for non-EU Member States.



### 3.2. Draft acceptable means of compliance and guidance material (draft EASA decision)

#### 3.2.1. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014

AMC M.A.707(a), AMC M.A.707(a)(1), AMC M.A.707(a)(2), AMC M.A.707(b), AMC M.A.707(c) and AMC M.A.707(e) are deleted.

AMC M.A.710(a), AMC M.A.710(b) and (c), AMC M.A.710(d) and AMC M.A.710(e) are also deleted.

AMC M.A.711(c) is reworded GM M.A.711(c) and amended as follows:

##### **GM M.A.711(c) Privileges of the organisation**

The sentence 'for the particular aircraft for which the organisation is approved to issue the airworthiness review certificate' contained in M.A.711(c) means that:

- ~~For aircraft used in commercial air transport, and aircraft above 2730 kg MTOM, except balloons, the permit to fly can only be issued for aircraft which are in a controlled environment and are managed by that M.A. Subpart G organisation.~~
- ~~For aircraft not involved in commercial air transport of 2730 kg MTOM and below, and for all balloons, the permit to fly can be issued for any aircraft.~~

for aircraft used in commercial air transport, and other than ELA2 aircraft, the permit to fly can be issued when the conditions of extension of the airworthiness review certificate described in M.A.902(b) are met.

AMC M.A.901, AMC M.A.901(a), AMC M.A.901(b), AMC M.A.901(c)(2), (e)(2) and (f), AMC M.A.901(d) and (g), and AMC M.A.901(j) are replaced by the following:

##### **GM M.A.901 Airworthiness review — General**

- (a) In this context, an aircraft airworthiness certificate is a certificate of airworthiness or a restricted certificate of airworthiness.
- (b) The term 'certifying staff' means that the personnel meet at the time of the airworthiness review all the requirements of Annex III (Part-66) to this Regulation, including continuing experience requirements, to be certifying staff for the aircraft subject to review, which in some cases may refer to national rules.
- (c) 'without loss of continuity of the airworthiness review pattern' means that the new expiration date is set one year after the previous expiration date. As a consequence, when the airworthiness review is anticipated, the airworthiness review certificate has a validity longer than one year (up to 90 days longer).

##### **AMC M.A.901(b) Airworthiness review — General**

- (a) The airworthiness review should be documented using a compliance report that should be appropriately customised to the organisation and type of aircraft and contain at least the items below:



- (1) general information:
  - approved organisation information;
  - owner/lessee information;
  - date and place the documented review and the aircraft survey were carried out; and
  - period and place the aircraft may be surveyed if required by the competent authority;
- (2) aircraft information:
  - registration;
  - type;
  - manufacturer;
  - serial number;
  - flight manual reference;
  - weight and centre of gravity data — the valid weight and centre of gravity schedule reflecting the current configuration of the aircraft; and
  - maintenance programme reference;
- (3) aircraft status:
  - aircraft total time and cycles; and
  - list of persons or organisations having carried out continuing airworthiness activities including maintenance tasks on the aircraft and its components since the last airworthiness review certificate;
- (4) documented review:
  - evidences and details of the review of the continuing airworthiness records in accordance with M.A.305 including sampled items; and
  - checklist/report covering all items defined in M.A.903(b);
- (5) aircraft survey:
  - a precise list of the areas of the aircraft that were surveyed and their status (a description referring to wings, fuselage, interior etc. is not considered detailed enough);
  - evidences and details of sampled items when appropriate; and
  - checklist/report covering all items defined in M.A.903(c);
- (6) findings:
  - a list of all the findings raised during the airworthiness review; and



- feedback received to all findings raised from the owner or continuing airworthiness management organisation responsible for the continuing airworthiness of the aircraft; and
- (7) details of airworthiness review staff and, if applicable, airworthiness review support staff and certifying staff in accordance with Part-66, assisting during the aircraft review, including their signatures.
- (b) The recommendation sent to the competent authority should contain at least the items described as minimum in the compliance report providing a summary of the scope of the documented review without a need to provide full details and evidences unless these are requested by the competent authority to assess the recommendation. It should include the following statement signed by the airworthiness review staff recommending the issue of an airworthiness review certificate.
- The statement should confirm that the aircraft in its current configuration complies with all of the following:
- airworthiness directives up to the latest published issue(s);
  - type certificate data sheet (TCDS);
  - aircraft maintenance programme (AMP);
  - component service life limitations;
  - the valid weight and centre of gravity schedule reflecting the current configuration of the aircraft;
  - Part-21 on all modifications and repairs;
  - the current flight manual including supplements; and
  - operational requirements.
- The above items should clearly state the exact reference of the data used in establishing compliance; for instance the number and issue of the type certificate data sheet used should be stated.
- The statement should also confirm that all of the above is properly entered and certified in the aircraft continuing airworthiness record system and/or in the operator's technical log system.
- (c) The recommendation should be at least in English when the Member State of registry is different from the organisation's Member State. Otherwise, it may be completed in the official language(s) of the organisation's Member State.
- (d) The owner or continuing airworthiness management organisation managing the continuing airworthiness of the aircraft should ensure that the airworthiness review is performed in adequate environmental conditions.



**AMC M.A.901(c) Airworthiness review — General**

The organisation performing the airworthiness review should be the continuing airworthiness management organisation managing the continuing airworthiness of the aircraft if it is appropriately approved in accordance with M.A.711(b). Only in certain circumstances (e.g. heavy workload or General Aviation), another organisation may be contracted.

**AMC M.A.901(g) Airworthiness review — General**

Suitable accommodation should include:

- (a) an office with normal office equipment such as desks, telephones, photocopying machines etc., whereby the continuing airworthiness records may be reviewed; and
- (b) a hangar when needed for the physical survey.

The support of personnel appropriately qualified in accordance with Part-66 is necessary when the airworthiness review staff of the competent authority is not appropriately qualified.

**AMC M.A.901(h) Airworthiness review — General**

This anticipation would allow that the aircraft is available for the physical survey.

New AMC M.A.902(a), GM M.A.902(a) and GM M.A.902(b) are added:

**AMC M.A.902(a) Validity of the airworthiness review certificate**

The extension may be anticipated by a maximum of 30 days without loss of continuity of the airworthiness review pattern.

**GM M.A.902(a) Validity of the airworthiness review certificate**

- (a) If the airworthiness review is anticipated for more than 90 days in accordance with M.A.901(h), the due date of the airworthiness review certificate would be set one year after the issue of the airworthiness review certificate, regardless of the previous airworthiness review pattern.
- (b) The continuing airworthiness management organisation could decide to perform an airworthiness review and issue an airworthiness review certificate instead of extending it although the conditions for the extension are met.
- (c) Anticipate the extension of the airworthiness review certificate for a maximum of 30 days without loss of continuity of the airworthiness review pattern means that the new expiration date is set one year after the previous expiration date.
- (d) If all the conditions for the extension are met and the airworthiness review certificate is extended more than 30 days in advance of the due date, the new expiration date would be one year after the date of issue of the extension.
- (e) The flexibility given to the extension should allow the owner or continuing airworthiness management organisation the possibility to place the original airworthiness review certificate on board. It is not allowed to issue a new airworthiness review certificate in case of an extension.



- (f) It is also acceptable to perform the extension of an airworthiness review certificate after its expiration date, as long as all the conditions for the extension are met. However, this means the following:
- (1) the aircraft cannot fly from the date the airworthiness review certificate expires until it is extended; and
  - (2) the new expiration date (after extension) is set one year after the previous expiration date (not one year after the extension is performed).

**GM M.A.902(b) Validity of the airworthiness review certificate**

- (a) If the conditions in M.A.902(b) are not fulfilled, the airworthiness review certificate will not be extended. An airworthiness review will be carried out and a new airworthiness review certificate will be issued.
- (b) The fact that limited pilot-owner maintenance as defined in M.A.803(b) is carried out and released by the pilot-owner or by independent certifying staff does not prevent from the extension of the airworthiness review certificate providing the continuing airworthiness management organisation under contract has been informed of any such maintenance carried out.

AMC M.A.903(a)(1) and AMC M.A.903(b) are replaced by the following AMC and GM:

**AMC M.A.903(a) Airworthiness review process**

- (a) The airworthiness review process should include:
- (1) informing the owner or continuing airworthiness management organisation responsible for the continuing airworthiness of the aircraft of any findings detected during the review;
  - (2) assessing the information coming from the owner/continuing airworthiness management organisation about how these findings had been dealt with; and
  - (3) issuing the airworthiness review certificate in accordance with Appendix III or a recommendation.
- (b) Any findings raised during the airworthiness review should be listed and handed over to the owner or a person with assigned responsibilities in the continuing airworthiness management organisation managing the aircraft.
- (c) The owner or continuing airworthiness management organisation is responsible for taking action to correct or appropriately defer the findings.
- (d) Written feedback with the actions taken per finding and signed by the owner or an appropriate person on behalf of the continuing airworthiness management organisation should be given to the airworthiness review staff.
- (e) The recommendation should be sent by the owner or continuing airworthiness management organisation managing the continuing airworthiness of the aircraft, not by the airworthiness review staff.



**AMC M.A.903(b) & (c) Airworthiness review process**

- (a) The documented review of the aircraft records and the physical survey of the aircraft should be based on samples and should cover the following:
- (1) Technical log system/Aircraft logbook:
    - flight hours and flight cycles for airframe, engine and propeller, as appropriate, are verified and have been properly recorded; and
    - aircraft, engine, and propeller maintenance entries are up to date and correct.
  - (2) Aircraft flight manual (AFM):

the approved flight manual and supplements is applicable to the current aircraft configuration and is the latest revision.
  - (3) Aircraft maintenance programme (AMP):
    - applicable maintenance as required by the maintenance programme has been carried out or carried forward in a controlled manner; and
    - the aircraft maintenance programme includes all mandatory continuing-airworthiness requirements.
  - (4) Status of service life-limited components:

no service life-limited component is overdue.
  - (5) Aircraft defect & rectification:
    - defects have been recorded or rectified in accordance with appropriate data and, when applicable, carried forward in a controlled manner; and
    - no evident defect can be detected that has not been addressed according to M.A.403.
  - (6) Airworthiness directives:

no applicable airworthiness directives nor measures mandated by the competent authority in immediate reaction to a safety problem are overdue.
  - (7) Modifications & repairs:

modifications and repairs that have been embodied are recorded and in accordance with appropriate data as defined in M.A.304.
  - (8) Mass and balance:

the mass & balance report reflects the current aircraft configuration.
  - (9) Type design:
    - the aircraft complies with the latest revision of its type design approved by the Agency;



- marking and placards are in accordance with the aircraft maintenance manual (AMM)/aircraft flight manual (AFM)/ the related CSs, including supplements linked to modifications (supplemental type certificates); and
  - no airworthiness limitation is overdue.
- (10) Aircraft certificates:
- aircraft certificates (Certificate of Registration, Certificate of Airworthiness, Airworthiness Review Certificate and Noise Certificate, if needed) and manuals correspond to the aircraft configuration, are up to date and on the aircraft.
- (11) Operational requirements:
- check the continuing airworthiness status of the instruments, equipment or functions as fitted.
- (b) To perform an airworthiness review based on sample checks, the approved organisation needs to have a procedure, approved by the competent authority, which:
- (1) includes the review of the statuses mentioned in M.A.305 for a 100 % completeness;
  - (2) indicates a minimum sample size for each section of the review taking into account the number of items per type of information; and
  - (3) includes how to increase the sample size depending on the number of non-conformities against a particular type of information, and may be based on an internationally recognised standard.
- (c) The physical survey may include verifications to be carried out during flight.
- (d) The physical survey is not to be performed remotely, meaning that the airworthiness review staff needs to be physically present.
- (e) When the staff performs the review on behalf of a continuing airworthiness management organisation, they may be assisted by qualified supporting staff in accordance with M.A.904. Although assisted by supporting staff, the airworthiness review staff itself will perform the review and its role can never be only signing the certificate/recommendation. A maximum of two airworthiness review support staff should participate in the process.
- (f) For the physical survey of the aircraft, the airworthiness review staff not holding a maintenance licence in accordance with Annex III (Part-66) to this Regulation shall be assisted by such qualified personnel although these personnel may not be qualified in accordance with M.A.904. However, the function of such Part-66 personnel is limited to performing and releasing the maintenance actions requested by the airworthiness review staff, and is not to perform the physical survey of the aircraft. It is not the intent of the rule to delegate the survey to the Part-66 personnel who are not performing the role of airworthiness review support staff in that airworthiness review.

### **GM1 M.A.903(b) & (c) Airworthiness review process**



The physical survey could require actions categorised as maintenance (e.g. operational tests, tests of emergency equipment, visual inspections requiring panel opening etc.). In this case, after the airworthiness review, a release to service should be issued in accordance with this Regulation.



**GM2 M.A.903(b) & (c) Airworthiness review process**

The following is an example and could assist to create the appropriate check list to perform the airworthiness review. It requires further adaptation to the aircraft to be reviewed.

<p><b>Technical Log System/Aircraft Logbook</b></p>	<ul style="list-style-type: none"> <li>— Check operator’s technical log system (when applicable) for open items.</li> <li>— Verify record of flight hours, flight cycles of the airframe, engine(s), propeller(s), gearbox(es), rotor(s) and landing gear, as appropriate.</li> <li>— Check aircraft defect raised during the physical review if recorded in the technical log system/aircraft logbook.</li> </ul>
<p><b>Aircraft Flight Manual (AFM)</b></p>	<ul style="list-style-type: none"> <li>— NOTE: some type certificate holders could identify the AFM differently.</li> <li>— The approved flight manual or authorised equivalent document is applicable to the current aircraft configuration and includes any modification, supplemental type certificates or airworthiness directives’ supplements, and reflects the latest revision status.</li> <li>— If an electronic flight bag (EFB) is used for the current AFM or equivalent, verify the approval of the content by the competent authority.</li> <li>— ‘Equivalent’ means the approved operation manual system for commercial air transport.</li> <li>— For ELA1 and ELA2, a non-revised flight manual may be deferred in accordance with M.A.403.</li> </ul>
<p><b>Aircraft Maintenance Programme (AMP)</b></p>	<ul style="list-style-type: none"> <li>— NOTE: AMP is the starting point, it is not the intent to check compliance with the maintenance planning document (MPD).</li> <li>— Verify approval/declaration, amendments and revision status reference.</li> <li>— Verify compliance with mandatory instructions such as repetitive airworthiness directives (ADs), the airworthiness limitation section (ALS) of the instructions for continued airworthiness (ICA) or specific</li> </ul>



	<p>maintenance requirements contained in the type certificate data sheet.</p> <ul style="list-style-type: none"> <li>— The maintenance due on the aircraft according to the maintenance programme has been carried out and properly released or, if applicable, carried forward in a controlled manner.</li> <li>— Check that the repetitive inspections requirement coming from a repair/modification is in the AMP.</li> <li>— Check the summary status of the maintenance task(s) to track the date and time when the required action was last performed and when it is next due.</li> <li>— Check for any additional scheduled maintenance measures required due to the use of aircraft and the operational environment.</li> <li>— If applicable, check for pilot-owner maintenance tasks.</li> <li>— Check components with a specific maintenance action (verify physically some of these components).</li> </ul>
<p><b>Aircraft Defect &amp; Rectification</b></p>	<ul style="list-style-type: none"> <li>— Check deferred defects and maintenance tasks.</li> <li>— Check that evident defect(s) can be found that has/have not been addressed.</li> </ul>
<p><b>Airworthiness Directives (ADs)</b></p>	<ul style="list-style-type: none"> <li>— Check the status of the airworthiness directives, including the method used. If alternative methods of compliance (AMOC) are used, the identification of the approved AMOC is necessary.</li> <li>— Carry out sample checks during a physical survey on some ADs for which compliance can be physically checked.</li> <li>— Check for completeness of all applicable ADs' status since the new or last issue date of the airworthiness review certificate.</li> <li>— Check that applicable airworthiness directives related to maintenance are included into the approved aircraft maintenance programme.</li> <li>— Compare implementation of airworthiness directives and AMOC, wherever possible, physically in the aircraft.</li> </ul>



	<ul style="list-style-type: none"> <li>— The sample check should include the release to service.</li> </ul>
<p><b>Modifications and Repairs</b></p>	<ul style="list-style-type: none"> <li>— Check that modification and repairs were accomplished in compliance with applicable data in accordance with M.A.304.</li> <li>— If available, compare dent and buckle chart with the current situation.</li> <li>— If applicable, check repairs on engine nacelles (air intake &amp; nozzle) that could impact the environmental certification of the aircraft/engines.</li> <li>— All modification and repairs since the last airworthiness review plus a sample from historical records should be reviewed.</li> <li>— Compare repair records of the aircraft, wherever possible, during physical review.</li> <li>— NOTE: for changes before 28 September 2003, check Article 3 of Regulation (EU) No 748/2012.</li> </ul>
<p><b>Mass and Balance</b></p>	<ul style="list-style-type: none"> <li>— The current mass and balance statement reflects the current configuration of the aircraft and is valid, and any modifications added or removed have been accounted for.</li> </ul>
<p><b>Type Design</b></p>	<ul style="list-style-type: none"> <li>— If applicable by approved procedures, check the list of service bulletins (SBs).</li> <li>— Verify that equipment installed on the aircraft is consistent with the aircraft records.</li> <li>— Verify the installation and correct data of the fireproof identification plate of the manufacturer.</li> <li>— Compare the type design against the type certificate data sheet.</li> <li>— The aircraft complies with the latest revision of its type certificate data sheet approved by the Agency, including any modifications that require a supplemental type certificate approved by the Agency.</li> <li>— In addition to the status summary, the sample check should include the release to service.</li> <li>— Check that the layout of passenger accommodation (LOPA), if available, is an approved</li> </ul>



	<p>configuration.</p> <ul style="list-style-type: none"> <li>— Material flammability certification: check the documentation attesting that the material of e.g. seat covers, cushions, carpet, curtains, side wall panels, cargo liners is in compliance with the applicable regulations.</li> <li>— Check mandatory markings and placards (for example, Chapter 11 of the illustrated parts catalogue (IPC)).</li> <li>— Check the airworthiness limitation section (ALS) of the instructions for continued airworthiness (ICA) or specific maintenance requirements contained in the type certificate data sheet.</li> <li>— Check the status of life-limited parts.</li> <li>— Physically verify some life-limited parts.</li> </ul> <p>NOTE: for changes before 28 September 2003, check Article 3 of Regulation (EU) No 748/2012.</p>
<p><b>Aircraft Certificates</b></p>	<ul style="list-style-type: none"> <li>— Check the aircraft registration in the technical log system, if applicable.</li> <li>— Check the aircraft certificates such as certificate of registration, certificate of airworthiness, noise certificate and current airworthiness review certificate.</li> <li>— Note: some documents on board which are not part of this revision are e.g. crew member licenses, load sheets, flight plan and weather reports.</li> </ul>
<p><b>Operational Requirements</b></p>	<ul style="list-style-type: none"> <li>— If applicable, check that operational items (e.g. oxygen bottles) are not overdue.</li> <li>— Check airworthiness requirements for special operating rules such as all weather operations (AWOPS), reduced vertical separation minima (RVSM), minimum navigation performance specifications (MNPS) (if not done during the modification inspection and if applicable to the type of operation).</li> <li>— Check airworthiness requirements for extended twin-engined operations (ETOPS)/long-range operations (LROPS) (if applicable to the type of operation).</li> </ul>



<p><b>Complaints of the Last Airworthiness Review</b></p>	<ul style="list-style-type: none"> <li>— Check the list of findings including rectification of the last airworthiness review findings.</li> <li>— Check previous reports to ensure that all issues identified in the records and during physical review have been resolved.</li> </ul>
<p><b>Markings and Placards &amp; Area Inspection</b></p>	<ul style="list-style-type: none"> <li>— For ELA2 aircraft, check markings/placards in accordance with the aircraft flight manual/type certificate data sheet.</li> <li>— When LOPA is available, it should be checked against an approved configuration.</li> <li>— Check if advisories and safety-related markings/placards in cockpit, cabin, cargo compartments, avionic compartments and outer fuselage/wings for passengers, crew and maintenance are properly installed and legible.</li> <li>— Check registration marks, including fireproof nameplate of the owner from the Member State of registry.</li> <li>— Perform a general visual inspection of accessible areas and compartments, e.g. outer fuselage, wings, empennage, undercarriage system, cargo and technical equipment bays, passenger cabin, cockpit, all engines, rotors, propellers (if applicable) and nacelles, and record the inspected areas.</li> <li>— A record of all inspected areas should be made available to the competent authority including, if applicable, a justification why certain areas have not been inspected.</li> <li>— Verify data plates of aircraft, engine(s), auxiliary power unit (APU) and rotor/gearbox(es)/propeller(s) (if applicable).</li> <li>— Verify the material flammability certification compared to the Certification Specifications (CSs) in the type certificate data sheet or supplemental type certificate. If any of the seat covers, cushions, carpet, curtains, sidewall panels, cargo liners, etc. have been changed, it is important to check the documentation attesting the materials' compliance with the applicable regulations.</li> </ul>



**GM3 M.A.903(b) & (c) Airworthiness review process**

- (a) An example of the samples' size could be the following:
- for new aircraft not older than one year, at least three samples of each category plus one additional sample per each different operator since new; or
  - for used aircraft older than one year, at least five samples back to the release to service of each category plus two samples per each different operator since new.
- (b) This initial samples' size should be increased depending on the number of non-conformities detected.
- (c) The investigation of each item should confirm the status of such item. For example, in case of ADs, modifications or life-limited parts, the investigation should cover the complete process, including the maintenance date and the embodiment/installation in the aircraft.

AMC M.A.904(a)(1), AMC M.A.904(a)(2) and AMC M.A.904(b) are replaced by the following AMC and GM:

**AMC M.A.904(a) Airworthiness review staff**

- (a) In order to comply with M.A.904(a)(1)(i), it is acceptable to have experience — in addition to the one described in M.A.904(b) — of five years in continuing airworthiness or three years in the case of other-than-complex motor-powered aircraft not used in commercial air transport.
- (b) A person qualified as described in AMC M.A.706(4.5) should be considered as holding the equivalent to an aeronautical degree.
- (c) Before the nomination by the organisation, the organisation should ensure that the airworthiness review staff and airworthiness review support staff have an adequate understanding of the relevant aircraft to be reviewed in accordance with the associated organisation's procedures and the applicable regulation. It means that the person has the knowledge and experience required, and has been successfully assessed on:
- (1) the type of aircraft;
  - (2) the differences of the particular model/variant and the particular configuration;
  - (3) the applicable regulation; and
  - (4) the applicable procedures.

**GM M.A.904(a) Airworthiness review staff**

- (a) Airworthiness review staff are only required if the continuing airworthiness management organisation wishes to be granted the privilege to perform airworthiness review in accordance with M.A.711(b) and, if applicable, the privilege to issue a permit to fly in accordance with M.A.711(c). If a maintenance organisation wishes to be granted the privilege in accordance with M.A.615(e) or 145.A.75(f), the conditions to be fulfilled are contained in M.A.901(l)(1).
- (b) An appropriate licence in compliance with Annex III (Part-66) to this Regulation is any one of the following:



- (1) a category B1 licence in the subcategory of the aircraft reviewed; or
- (2) a category B2 or C licence; or
- (3) in the case of piston-engined non-pressurised aeroplanes of 2 000 kg maximum take-off mass (MTOM) and below, a category B3 licence; or
- (4) a category B2L licence.

It is not necessary to satisfy the experience requirements of Part-66 at the time of the review.

(c) 'Appropriate aeronautical training' means demonstrated knowledge of the following:

- (1) For other-than-complex motor-powered aircraft not used in commercial air transport:
  - (i) Relevant parts of initial and continuing airworthiness regulations, including bilateral agreements that could affect the performance of the airworthiness review.
  - (ii) Relevant parts of operational requirements and procedures, if applicable.
  - (iii) Relevant parts of the approved organisation's exposition.
  - (iv) A relevant sample of the type(s) of aircraft gained through training and/or work experience. Such knowledge could be:
    1. at a level equivalent to Level 1 — General Familiarisation of Appendix III to Part-66 and delivered by a Part-147 organisation; or
    2. training by a type certificate holder; or
    3. training by any other organisation accepted by the competent authority; or
    4. three years' work experience on this or a similar type.

'Relevant sample' means that these courses or experience should cover typical systems embodied in those aircraft being within the scope of approval.

- (v) Maintenance methods.
- (vi) Awareness of audit procedures.
- (2) For complex motor-powered aircraft or aircraft used in commercial air transport, additionally to (1):
  - (i) initial and recurrent training in human factors (HFs);
  - (ii) training in fuel tank safety (including critical design configuration control limitations (CDCCL)) and in electrical wiring interconnection systems (EWIS) requirements, if applicable; and
  - (iii) knowledge of a relevant sample of the type(s) of aircraft which may only be gained through a formalised training course.

(d) 'Experience in continuing airworthiness' means any appropriate combination of experience in tasks related to aircraft maintenance and/or continuing airworthiness management (engineering) and/or surveillance of such tasks. For ELA1 aircraft not used in commercial air transport, this experience may be full-time or part-time, either as professional or on a voluntary basis.



- (e) 'To hold a position with appropriate responsibilities' means having an appropriate degree of independence from the airworthiness management process. This may be achieved by:
- (1) having overall authority on the airworthiness management process of the complete aircraft; or
  - (2) being authorised to perform airworthiness reviews only on aircraft for which the person has not participated in their management, e.g. performing airworthiness reviews on a specific model line, while being involved in the airworthiness management of a different model line; or
  - (3) nominating maintenance personnel from a Part-145 or Part-M, Subpart F maintenance organisation when this organisation holds a continuing airworthiness maintenance organisation approval; these personnel should not have released that particular aircraft from base maintenance during the preceding three months (excluding tasks required to be performed during the physical survey of the aircraft or as a result of findings detected during such physical survey) to avoid possible conflict of interests; or
  - (4) nominating as airworthiness review staff personnel from the quality department of the approved organisation.

#### **AMC M.A.904(b) Airworthiness review staff**

- (a) The competent authority accepts the airworthiness review staff after satisfactory completion of an airworthiness review under the supervision of the competent authority or under the supervision of the organisation's airworthiness review staff in accordance with a procedure approved by the competent authority. The formal acceptance of the airworthiness review staff is issued by the competent authority through an EASA Form 4.
- (b) If the supervision is conducted by the organisation's airworthiness review staff, evidence of the airworthiness review performed under supervision should be provided to the competent authority together with EASA Form 4. If satisfied, the competent authority should issue the formal acceptance through EASA Form 4.
- (c) Once the airworthiness review staff has been accepted by the competent authority, the inclusion of their name in the approved organisations' exposition constitutes the formal authorisation by the organisation.
- (d) The airworthiness review support staff should be assessed by an airworthiness review staff before being authorised by the approved organisation to participate in the airworthiness review. Apart from the technical expertise, the airworthiness review procedure should be part of the assessment.
- (e) The supervision goal is to assess the competence of the nominated airworthiness review staff (knowledge, experience and how the work is done). For the required scope, competence during supervision should be assessed through:
- (1) on-the-job (airworthiness review or airworthiness review task) performance assessment specially on the airworthiness review having more than one staff performing airworthiness review tasks; or



- (2) testing of appropriate knowledge; or
  - (3) records of basic, organisational, and/or product type and differences training; or
  - (4) experience records.
- (f) The organisation should develop a procedure describing the process to assess the competence of personnel. The procedure should specify:
- the staff responsible for this process;
  - when the assessment should take place;
  - credits from previous assessments;
  - a validation of qualification records;
  - means and methods for the initial assessment;
  - means and methods for the continuous control of competence including feedback on personnel performance;
  - competences to be observed during the assessment in relation to each job function;
  - actions to be taken when assessment is not satisfactory; and
  - a record of assessment results.
- (g) The nominated staff to perform airworthiness review should perform an airworthiness review. After completion thereof, the assessor should check what was performed, how it was performed and why it was performed in that specific way.
- In this assessment, it should be checked that the applicant has the relevant knowledge of the product, applicable regulations and procedures.
- (h) The physical survey should be assessed during the demonstration to the assessor by checking how it was performed. This demonstration should be carried out in all relevant zones of the aircraft, considering the following elements:
- knowledge of the aircraft;
  - knowledge of the regulations, procedures, tools and recognised standards;
  - ability to check an area with regard to the relevant criteria for this zone;
  - ability to identify defects (close relation to critical mind skills); and
  - ability to perform relevant sample checks based on the documented review to determine what should be the most relevant samples for this aircraft.



**GM M.A.904(b) Airworthiness review staff**

According to the scope, type certificate holder, complexity, technology and construction of the aircraft, the assessment of the competence may consider the following non-exhaustive table:

	Airworthiness Review Staff	Airworthiness Review Support Staff <sup>(1)</sup>
General knowledge of applicable officially recognised standards	X	X
Awareness of auditing techniques: planning, conducting and reporting	X	-
Knowledge of HMs, human performance and limitations	X	X
Relevant knowledge of Part-21, Part-M, Part-145 and any other relevant regulations	X	X
Knowledge of relevant parts of the related continuing airworthiness management exposition (CAME) and associated procedures	X	X
Knowledge of the occurrence reporting system and understanding of the importance of reporting occurrences, incorrect maintenance data and existing potential defects	X	-
Knowledge of safety risks linked to HFIs and working environment	X	X
Knowledge of CDCCL (if applicable)	X	X
Knowledge of EWIS (if applicable)	X	X
Understanding of professional integrity, behaviour and attitude towards safety	X	X
Understanding of conditions for ensuring continuing airworthiness of aircraft and components	X	X
Understanding of human performance and limitations	X	X
Understanding of personnel authorisations and limitations	X	-
Ability to control completed work cards	X	X
Ability to determine required qualifications for task performance	X	X



Ability to identify existing and potential unsafe conditions	X	X
Ability to determine proper accomplishment of maintenance tasks	X	X
Ability to identify and understanding of critical tasks	X	X
Ability to prioritise, and report discrepancies	X	X
Ability to recognise the acceptability of parts to be installed	X	X
Ability to understand work orders and work cards, and refer to and use applicable maintenance data	X	X
Ability to use information systems	X	X
Familiarity with the required tooling and/or equipment	X	X
Adequate communication skills	X	—
Analytical and proven auditing skills (for example, objectivity, fairness, open-mindedness, determination, etc.)	X	X
Maintenance error investigation skills	X	X
Compliance with the type design & type certificate validation process	X	X
Knowledge of ICA	X	X
Knowledge of bilateral agreements and arrangements (if applicable)	X	X

<sup>(1)</sup> Adapted and restricted to the airworthiness review support staff scope of work/tasks when relevant.

#### **AMC M.A.904(c) Airworthiness review staff**

- (a) The airworthiness review support staff performs specific tasks in accordance with the scope of work authorised by the continuing airworthiness management organisation and following the procedure of the organisation.
- (b) The airworthiness review support staff should have the appropriate knowledge and experience as referred to in (a)(1) and (2) above for the intended scope of the authorisation. The authorisation specifies which parts of the airworthiness review these staff are authorised to perform.
- (c) Airworthiness review staff may always perform the role of airworthiness review support staff.

#### **AMC M.A.904(e) Airworthiness review staff**



- (a) In order to keep the validity of the airworthiness review staff or airworthiness review support staff authorisation, the organisation should ensure that the staff have either:
- (1) been involved in continuing airworthiness management activities for at least six months in every two-year period; or
  - (2) conducted at least one airworthiness review per relevant aircraft for the authorisation in the last twelve-month period, reduced to six months in the case of complex motor-powered aircraft or aircraft used in commercial air transport (CAT). A 'relevant aircraft' assessment should consider manufacturer, similar technology, construction and systems, as classified in Annex III (Part-66) to this Regulation to be applied to the license categories, taking into account:
    - propulsion systems (piston, turboprop, turbofan, turboshaft, jet engine or propellers);
    - flight control systems (FCSs) (only mechanical controls, hydromechanically powered controls or electromechanically powered controls);
    - avionic systems (analogue systems or digital systems); and
    - structure (metal, composite, wooden).
- (b) In order to restore the validity of the authorisation, the airworthiness review staff should conduct at a satisfactory level an airworthiness review under the supervision of the competent authority or, if accepted by the competent authority, under the supervision of an airworthiness review staff of the continuing airworthiness management organisation concerned in accordance with an approved procedure.
- (c) The approved organisation's exposition should contain those procedures necessary to specify the scope of work which these support staff should perform. The authorisation should specify exactly which parts of this work (physical survey, ADs, modifications etc.) the support staff should perform.

#### **AMC M.A.904(f) Airworthiness review staff**

The minimum content of the airworthiness review staff and airworthiness review support staff record should be:

- name;
- date of birth;
- experience;
- aeronautical degree and/or Part-66 qualification and/or nationally recognised maintenance personnel qualification;
- initial training received;
- type training received;
- continuation training received;
- experience in continuing airworthiness and within the organisation;
- responsibilities of the current role in the organisation; and



- copy of the authorisation.

**AMC M.A.904(g) Airworthiness review staff**

The formal acceptance of the certifying staff by the competent authority should only be granted after verification of the qualifications and after the satisfactory performance of an airworthiness review under the supervision of the competent authority.

AMC M.A.905 and GM M.A.905 are added as follows:

**AMC M.A.905 Transfer of aircraft registration within the EU**

- (a) The transfer process starts when the application to the new competent authority for a new airworthiness certificate is submitted.
- (b) This application allows the proper transfer of information between the two competent authorities during the aircraft transfer process.
- (c) An appropriate maintenance programme is needed before issuing or validating an airworthiness review certificate.
- (d) A bridging check is to be carried out if there are differences between the former maintenance programme and the new maintenance programme.
- (e) Before issuing the statement, an appropriate maintenance programme in accordance with M.A.302 is needed.
- (f) The statement helps the competent authority to assess whether the transfer process takes place in a controlled manner, the aircraft is under control, and the person accountable in accordance with M.A.201 is aware of their responsibilities.
- (g) The amendment of the registration on the airworthiness review certificate should include the date of the change and the identification of the person performing the validation. The former registration should be crossed out but should be readable.
- (h) Appropriate staff to validate the airworthiness review certificate with the new registration would be a person responsible for the management and supervision of continuing airworthiness activities or the airworthiness review staff.
- (i) The validation can be performed by issuing a new airworthiness review certificate with the new registration, but maintaining the expiration date. The previous airworthiness review certificate should be kept for traceability reasons.

**GM M.A.905 Transfer of aircraft registration within the EU**

- (a) If the certificate of airworthiness (EASA Form 25) or restricted certificate of airworthiness (EASA Form 24) with the former registration is invalid or revoked, the provision on the transfer of aircraft is not applicable.
- (b) A valid airworthiness review certificate is:
  - 1. the current airworthiness review certificate from the previous Member State of registry; or



2. only if the former airworthiness review certificate has expired, a certificate issued in accordance with M.A.901, following an airworthiness review performed by an approved organisation.

The current AMC M.A.904 is renumbered because of the new structure of AMC M.A.906 as follows:

**AMC M.A.9046(a)(1) Airworthiness review of aircraft imported into the EU**

In order to allow for possible participation of authority personnel, the applicant should inform the competent authority of the time and location of the airworthiness review at least ten working days in advance.

**AMC M.A.9046(a)(2) Airworthiness review of aircraft imported into the EU**

- (a) When performing an airworthiness review of aircraft imported into the EU the aircraft and the relevant records should be reviewed to determine the work to be undertaken to establish the airworthiness of the aircraft.
- (b) In determining the work to be undertaken during the airworthiness review on the aircraft, the following should be taken into consideration:
  - (1) the information from ~~third~~ non-EU Member States' authorities such as export certificates, primary authority information;
  - (2) the information on aircraft maintenance history such as continuing airworthiness records, aircraft, engine, propeller, rotor and life limited part log books or cards as appropriate, tech log/flight log/cabin log, list of deferred defects, total flight times and cycles, times and cycles since last maintenance, accident history, former maintenance schedule, former AD compliance status;
  - (3) the information on aircraft such as aircraft, engine and propeller type certificate datasheets, noise and emission certificate data sheets, flight manual and supplements;
  - (4) the aircraft continuing airworthiness status such as the aircraft and component AD status, the SB status, the maintenance status, the status of all service life limited components, weight and centre of gravity schedule including equipment list;
  - (5) the modification and repair status of the aircraft detailing elements such as owner/operator designed modifications and repairs, STCs, and parts needing European parts approval (EPA);
  - (6) the aircraft cabin configuration such as emergency equipment fitted, cockpit configuration, placards, instrument limitations, cabin layout;
  - (7) the maintenance needed for import, such as embodiment of modifications needed to comply with the EASA type certificate, bridging check to comply with the new maintenance programme;
  - (8) the avionics such as, but not limited to, radio and navigation equipment, instrument flight rules (IFR) equipment, digital flight data recorder (DFDR)/cockpit voice recorder (CVR) test, emergency locator transmitter (ELT) 406 MHz code and identification;
  - (9) the compass compensation;



- (10) special operating rules such as Extended Twin-Engine Operations (ETOPS)/Long Range Operations (LROPS), Reduced Vertical Separation Minima (RVSM), Minimum Navigation Performance Specifications (MNPS), All Weather Operations (AWOPS), Area Navigation (RNAV);
  - (11) the aircraft survey including verification of conformity with the flight manual and the datasheet, presence of fire proof identification plates, conformity of markings including registration, presence and serviceability of emergency equipment, internal and external lighting systems, and
  - (12) check flight including check of control system/cockpit ground check/engine run up.
- (c) If there is no M.A. Subpart-G organisation approved for the specific aircraft type available, the competent authority may carry out the airworthiness review in accordance with this paragraph and the provisions ~~M.A.901(h)~~ and M.B.9021(b)(1). In this case, the airworthiness review should be requested to the competent authority with a 30-day notice.

#### **AMC M.A.9046(b) Airworthiness review of aircraft imported into the EU**

The recommendation sent to the competent authority should contain at least the items described below:

- (a) Aircraft information:
- aircraft assigned registration;
  - state of manufacturer;
  - previous registration;
  - export certificate number;
  - TC and TC data sheet numbers;
  - noise and emissions TC and TC data sheet numbers; and
  - comparison of prior maintenance programme with the proposed new maintenance programme.
- (a) Documents accompanying the recommendation:
- copy of the application, and;
  - original export certificate, and;
  - copy of the approvals of the flight manual and its supplements, and;
  - list of ADs incorporated up to the latest published issue, and;
  - proposed new maintenance programme, and;
  - status of all service life-limited components, and;
  - the valid weight and centre of gravity schedule reflecting the current configuration of the aircraft, and;
  - Part-21 approval reference for all modifications and repairs.
- (b) Maintenance:



- a copy of the work packages requested by the subpart G organisation including details of any bridging check to ensure all the necessary maintenance has been carried out.
- (c) Aircraft check flight:
- a copy of the check flight report.

GM M.A.907 is added as follows:

**GM M.A.907 Findings**

- (a) The intent of this AMC is to provide information to the owner or continuing airworthiness management organisation responsible for the airworthiness of the aircraft on the findings issued by the competent authority.
- (b) The airworthiness review staff do not need to use these level 1 or 2 as explained in M.A.907 for the non-conformities detected during the airworthiness review.

AMC M.B.901 is replaced and a new GM M.B.901 is added as follows:

**AMC M.B.901 Airworthiness review certificate issued by the competent authority**

- (a) In the case of ELA2 aircraft, the request by the owner to issue an airworthiness review certificate should be submitted in advance to allow a proper coordination, and in a way acceptable to the competent authority.
- (b) A person qualified in accordance with AMC M.B.102(c)(1.5) should be considered as holding hold the equivalent to an aeronautical degree.
- (c) A person in the competent authority carrying out airworthiness reviews or airworthiness certificate renewal inspections in a Member State prior to the date of entry into force of Part-M should be considered to comply with M.B.901(c).
- (d) The minimum content of the airworthiness review staff record should be aligned with AMC M.A.904(h).

**GM M.B.901 Airworthiness review certificate issued by the competent authority**

- (a) 'Experience in continuing airworthiness' means any appropriate combination of experience in tasks related to aircraft maintenance and/or continuing airworthiness management (engineering) and/or surveillance of such tasks.
- (b) An appropriate licence in compliance with Annex III (Part-66) to this Regulation is a category B or C licence in the subcategory of the aircraft reviewed. It is not necessary to satisfy the requirements of Part-66 for recent experience at the time of the review, or to hold the type rating on the particular aircraft.
- (c) 'To hold a position with appropriate responsibilities', as referred to in M.A.904(a)(1), means that the airworthiness review staff should have a position within the competent authority that authorises them to sign on behalf of that competent authority.



AMC M.B.902(b), AMC M.B.902(b)(1), AMC M.B.902(b)(2) and AMC M.B.902(c) are deleted and AMC M.B.902 is added as follows:

**AMC M.B.902 Assessment of airworthiness review staff**

- (a) The application should be submitted in a form and manner established by the competent authority.
- (b) The formal acceptance of the airworthiness review staff is granted by the competent authority through issuance of an EASA Form 4.
- (c) During supervision, the material in point (e) of AMC M.A.904(b) and related GM M.A.904 may be used.

AMC M.B.903 is added as follows:

**AMC M.B.903 Assessment of a recommendation**

- (a) Findings from the assessment of a recommendation should be sent to the applicant as soon as possible.
- (b) The verification of the compliance report and statement when assessing the recommendation does not mean repeating the airworthiness review itself. However, the competent authority should verify that the approved organisation has carried out a complete and accurate assessment of the airworthiness of the aircraft as required by M.A.903.
- (c) Depending on the content of the recommendation, the history of the particular aircraft, and the knowledge of the approved organisation or M.A.901(d)(2) certifying staff making the recommendation in terms of experience, number and correction of findings, and previous recommendations, the extent of the assessment may vary. Therefore, whenever possible, the staff carrying out the assessment should be involved in the oversight of the approved organisation making the recommendation.
- (d) In some cases, the authorised personnel may decide that it is necessary to perform:
  - (1) a physical survey of the aircraft; or
  - (2) a full or partial airworthiness review.

In this case, the competent authority should give the applicant sufficient notice so that they organise themselves according to M.A.901(g).

Furthermore, this part of the assessment should be carried out by appropriate airworthiness review staff in accordance with M.B.901(c).

- (e) Airworthiness review staff of the competent authority are already considered to be authorised personnel to review the recommendation and do not need additional authorisation.

AMC M.B.904 is added as follows:

**AMC M.B.904 Transfer of aircraft registration within the EU**

- (a) Following a risk-based approach, the competent authority may verify with the former Member State of registry:



- (1) the status of the certificate of airworthiness to confirm that it was neither revoked nor suspended at the time of the deregistration;
  - (2) to identify if there is any concern regarding its validity; and/or
  - (3) any other information that would be relevant during this process.
- (b) The competent authority should evaluate the statement and the rest of the information available to be satisfied that the transfer process takes place in a controlled manner, the aircraft is under control, and the person accountable in accordance with M.A.201 is aware of their responsibilities.
- (c) An appropriate maintenance programme in accordance with M.A.302 is needed before issuing or validating an airworthiness review certificate.



### 3.2.2. Changes to AMC/GM to Annex I (Part-21) to Regulation (EU) No 748/2012

The following AMC 21.A.174(b)(3)(i) and GM 21.A.174(b)(3)(i) are added:

#### **AMC 21.A.174(b)(3)(i)**

The application is not complete until all these documents are presented, but the transfer process is considered initiated if at least the valid certificate of airworthiness and the application for approval of the maintenance programme are presented.

#### **GM 21.A.174(b)(3)(i)**

A valid airworthiness review certificate is:

1. the current airworthiness review certificate from the previous Member State of registry, or;
2. only if the former airworthiness review certificate has expired, a certificate issued in accordance with M.A.901 following an airworthiness review performed by an approved organisation.

The following AMC 21.B.326(b) and GM 21.B.326(b) are added:

#### **AMC 21.B.326(b)**

- (a) Following a risk-based approach, the competent authority may verify with the former Member State of registry:
- (1) the status of the certificate of airworthiness to confirm that it was neither revoked nor suspended at the time of the deregistration;
  - (2) to identify if there is any concern regarding its validity; and/or
  - (3) any other information that would be relevant during this process.
- (b) The competent authority should check that the aircraft has an appropriate maintenance programme in accordance with M.A.302.

#### **GM 21.B.326(b)**

If the used aircraft originates from a Member State but the certificate of airworthiness or restricted certificate of airworthiness with the former registration is invalid or revoked, the provision on the transfer of aircraft is not applicable.



## 4. Regulatory impact assessment (RIA)

### 4.1. Issues to be addressed

As a result of the activities performed by the Agency (standardisation visits, Agency's position on derogations granted by Member States (MSs), replied questions from NAAs/stakeholders, and a survey launched in September 2012), it became evident that the intent of the rule is not always clear.

During the discussions within the working-group meetings, it was agreed that the objectives of the rulemaking task could be met by defining more clearly the following aspects:

- (a) the need for and definition of a controlled environment;
- (b) recommendations (as an intermediate step before the authority issues the airworthiness review certificate (ARC));
- (c) the performance of a supervised airworthiness review before granting an authorisation to the airworthiness review staff (ARS);
- (d) independence from the airworthiness review process and from the maintenance release of the aircraft;
- (e) an inconclusive airworthiness review;
- (f) sampling of documents during the airworthiness review;
- (g) the content of the review;
- (h) open findings when issuing an ARC;
- (i) control of the airworthiness review process and prospective effects if more than one person is involved, including staff entitled to perform the airworthiness review and staff entitled to sign the ARC;
- (j) the validity period and issue of an ARC by the national aviation authority (NAA) valid for less than one year;
- (k) the validity of an ARC and prospective actions to be taken when transferring an aircraft between MSs (NAAs' transfer requirements);
- (l) the certificate of airworthiness (CofA) issue at the time of transfer between MSs; and
- (m) the NAAs' record-keeping requirements.

### 4.2. Objectives

The objective of this RIA is to analyse the impact of the current proposal and, when by presenting several solutions, to study the different options to retain the one incorporating more benefits compared to the others.

This analysis will focus on proportionate and cost-efficient rules without adversely affecting the level of safety, on reducing the administrative burden, and providing clear requirements to ease the implementation of the rule.



### 4.3. Policy options

From the aspects mentioned in Chapter 4.1 above, three were anticipated to result in a significant impact, depending on the selected options:

- (a) Need for and definition of a controlled environment

**Table 1: Selected policy options for the concept ‘controlled environment’**

<i>Option No</i>	<i>Description</i>
1	Remove ‘unique’ and ‘12 months’ from the current definition. The aircraft would be considered as being in a controlled environment if its continuing airworthiness is continuously managed by one or several continuing airworthiness management organisations (CAMOs). In such a case, the CAMO managing the continuing airworthiness of the aircraft may extend the ARC.
2	Same as Option 1 except that there is an additional requirement for the CAMO which is going to extend the ARC to have previously notified the competent authority of the State of Registry that it is in full control of the aircraft and the aircraft can be considered as being in a controlled environment for the purpose of an eventual extension of the ARC. This notification is done when the CAMO starts managing the airworthiness of the aircraft.
3	Same as Option 1 but only the CAMO which issued/extended the last ARC can extend it (even if other CAMOs were contracted in the interim period).

The concept of ‘controlled environment’ is currently used for aircraft in CAT and for aircraft above 2 730 kg maximum take-off mass (MTOM) except balloons. When such aircraft are not in a controlled environment, the ARC must be issued by the competent authority (CA) after the assessment of a recommendation issued by a CAMO. In addition, if such aircraft are not in a controlled environment, the ARC cannot be extended.

The current proposal already removes the concept of ‘recommendations’ except when importing an aircraft from other regulatory systems. This means that the concept of ‘control environment’ will be only be connected to whether an ARC extension is possible or not.

Currently, the definition of ‘controlled environment’ includes the requirement for the aircraft to have been continuously managed by a unique CAMO during the previous 12 months.

With **Option 1**, the CAMO managing the airworthiness of the aircraft may extend the ARC even if the aircraft was transferred from another CAMO the day before. In the current rule, this is not possible, and an airworthiness review would be required. The following impacts are foreseen with this option:

- Safety impact: There is a potential negative safety impact, mainly in those cases where the extension is performed shortly after the aircraft has been received by the CAMO, since



this makes it more difficult for the CAMO to have fully reviewed all the records transferred as well as the status of the aircraft.

- Social impact: CAMOs approved to perform airworthiness reviews may only be contracted every three years when an airworthiness review is needed (since CAMOs can have the privilege of extending an ARC without having the privilege to perform airworthiness reviews). Depending on the fees and fluctuation of the market, this could lead to a reduction of the number of CAMOs approved to perform airworthiness reviews, thus reducing the employment opportunities for the ARS.
- Economic impact: There is a significant positive impact on owners/operators because they will be able to have the ARC extended (without airworthiness review) in many more cases than with the current rules.

On the other side, certain CAMOs with privileges to perform airworthiness reviews may see a reduction of their business due to the transfer of contracts to other CAMOs without airworthiness review privileges (if the fee of the latter is lower).

- Impact on 'better regulation' and harmonisation: this proposal does not create any harmonisation concerns nor affects existing bilateral agreements.
- General Aviation (GA): positive impact for aircraft owners since this provides more flexibility for the extension of the ARC.

With **Option 2**, the possible negative safety impact described under Option 1 is mitigated by the requirement for such a CAMO to have previously notified the competent authority of the State of Registry that it is in full control of the aircraft, and that the aircraft can be considered as being in a controlled environment for the purpose of an eventual extension of the ARC. This ensures that the CAMO is fully in control of the aircraft and is aware of its responsibilities. In addition, this allows the competent authority of the State of registry to determine the time interval between the transfer of the aircraft to the CAMO and the extension being performed. This may impact the CAMO's oversight activities, including the ACAM programme. The following impacts are associated with this option:

- Safety impact: any possible negative safety impact described under Option 1 can be mitigated by the measures proposed in this option.
- Social impact: as described under Option 1.
- Economic impact: in addition to the impact described under Option 1, the administrative burden on CAMOs and competent authorities is increased through the introduction of a new statement (although this is justified because of its safety benefit). Nevertheless, the negative impact is expected to be significantly outweighed by the positive impact on owners/operators because they will be able to have the ARC extended (without airworthiness review) in many more cases than with the current rules.
- Impact on 'better regulation' and harmonisation: this proposal does not create any harmonisation concerns nor affects existing bilateral agreements.
- GA: as described under Option 1.



With **Option 3**, the CAMO which issued/extended the last ARC can extend it (even if other CAMOs were contracted in the interim period). The following impacts are associated with this option:

- Safety impact: the same potential negative safety impact described under Option 1.
- Social impact: the labour market is not expected to be affected by this option.
- Economic impact: there is a positive impact on owners/operators because they will be able to have the ARC extended (without airworthiness review) in more cases than with the current rules. However, since the extension is limited to the CAMO which previously issued/extended the ARC, this option is not as flexible as the one described under Option 1 and Option 2.
- Impact on ‘better regulation’ and harmonisation: this proposal does not create any harmonisation concerns nor affects existing bilateral agreements.
- GA: as described under Option 1.

Based on the impacts described above, and in particular the safety and economic ones, the Agency has selected Option 2.

- (b) Control of the airworthiness review process and prospective effects if more than one person is involved, including staff entitled to perform the airworthiness review and staff entitled to sign the ARC.

**Table 2: Selected policy options if more than one person performs the airworthiness review**

<b>Option No</b>	<b>Description</b>
1	The ARS performs the airworthiness review and controls the process if more staff (up to two) assist the ARS.
2	An unlimited number of staff work under an ARS supervision. This ARS checks only the final inputs and signs the ARC.

A decision was made to select Option 1 due to the following impacts associated with Option 2:

- Although it was acknowledged during the working-group discussion that the process can be performed by more than one person, it is important that the accountability of the ARS is maintained so that these staff actively participate in the airworthiness review and not only sign the final document.
- The risk of not properly controlling the process would increase if an unlimited number of people performed the airworthiness review. The number of staff assisting the ARS must be limited.



- (c) Transfer of aircraft between MSs.

**Table 3: Selected policy options for transfer of aircraft between MSs**

<b>Option No</b>	<b>Description</b>
1	A 'mini' airworthiness review is needed when the aircraft is transferred.
2	The responsibilities of the owner/CAMO managing the aircraft and of the CA during the transfer are clarified while the process to issue the CofA is aligned between Part-M and Part-21.

A decision was made to select Option 2 due to the following impacts:

- Option 1. Regulation (EU) No 216/2008 and its implementing rules (IRs) apply to all MSs so the assessment of the airworthiness status of the aircraft does not depend on the Member State of registry. Therefore, this option would impact the mutual recognition within the EU.
- Option 2. An aligned process covering CofA and ARC when transferring the aircraft within the EU which clarifies the responsibilities of the owner/CAMO/CA will ease the transfer and have a positive economic impact. The oversight of the CA is enforced through the rule to cover some safety concerns shared by various competent authorities. The administrative burden of a new statement signed by the owner/CAMO is considered acceptable taking into account the benefits of smoother transfers.

With regard to the other aspects described above (points (b), (c), (d), (e), (f), (g), (h), (j), (l) and (m)), the decision made was to provide as clear and simple requirements as possible to facilitate implementation and avoid confusion about the intent of the rule. This is achieved by proposing a new structure of Subpart I, which includes all the requirements on airworthiness review except privileges of the organisations, with the following changes:

- Recommendations would be issued only when a used aircraft is imported from a non-EU MS. Consequently, this proposal drastically decreases the number of recommendations received by the CA. Any approved organisation or independent certifying staff will be able to issue an ARC if they are appropriately approved. The process (airworthiness review) does not change. Furthermore, it is commonly perceived that the check of the recommendation rarely adds any value to this process, thus creating administrative burden. If the CA has any concern about a specific aircraft, it shall make use of the appropriate provisions in the current regulation.
- The supervision of the ARS before granting them an authorisation to perform the airworthiness review is considered crucial. This proposal adds AMC/GM to describe the purpose of this supervision and how to assess the competence of the staff. It is important to establish the right procedures in the appropriate manual and describe certain conditions that the organisation could encounter, e.g. when an ARS may enlarge the



- authorisation to include more fleets. The oversight aspect is enforced by specifically stating that during the oversight over the organisations, one audit on an airworthiness review shall be performed (no need to participate in the complete airworthiness review).
- The conditions for a prospective ARS being independent from the airworthiness management process are reworded because the current material was considered vague and unrealistic by the working group. A certifying staff who have not released the aircraft from base maintenance during the preceding three months is considered to have adequate independence regarding the management of the aircraft. Additionally, the accountable manager is no more regarded as potentially eligible ARS because, although they have overall authority on the airworthiness management process, such role in the organisation does not necessarily involve a technical profile.
  - The term ‘inconclusive’ is deleted because it only adds confusion. If there is a safety concern, the regulation contains other provisions that can be used by the CA. Hence, this proposal eases the interpretation of the rule without having an impact on safety.
  - How to perform the sampling of documents during the airworthiness review is clarified through additional material in AMC/GM. The rule is updated accordingly, in particular by removing the word ‘all’ when referring to the documents to be reviewed (current M.A.710). The approved organisation needs to develop sampling guidelines to indicate the minimum sample for each section to be reviewed. This sample must be proportional to the number of items to be sampled. The impact of updating the manuals will depend on the maturity of the procedures of the particular organisation, but the benefit of having clear requirements on what is expected to be reviewed in an airworthiness review is considered more relevant. In addition, a more equal level of competitiveness is foreseen because this proposal reduces the ambiguity of some requirements so that certain organisations cannot take advantage of the lack of clarity in the rule and AMC.
  - Regarding the content of the airworthiness review, the working group analysed what should be part of the review starting from scratch. As part of this analysis, it was checked if the aircraft continuing airworthiness monitoring (ACAM) key risk elements (KRE) could be used and even the potential differences depending on the operations/categories of aircraft. The conclusion was that the rule does not need to be significantly amended, but more AMC/GM are proposed for clarity.
  - The current intent of the rule that the ARC cannot be issued with findings without taking proper action is not contested. But the rule and AMC/GM are amended to provide more information on how to address those findings and who is responsible for these findings. The ARS will send the findings to the CAMO/owner after the airworthiness review, and will assess the actions taken by the CAMO/owner. The ARS will issue the ARC/recommendation when satisfied with the actions (an open entry in the technical log system is considered acceptable). This provides clearer requirements for the airworthiness review process and legal certainty on the accountability of the different actors.
  - The issue of an ARC by the NAA valid for less than one year (current regulation) is deleted in this proposal that only states that the ARC validity is for one year with possible extensions. If the CA has any concerns, then it must not issue the ARC. This proposal,



therefore, keeps a simpler approach without impacting safety, hence further confusion is avoided.

- Additionally, EASA Form 15a and EASA Form 15b are merged and a new wording is proposed. The word ‘airworthy’ at the time of the extension is removed because the conditions for performing the extension are based on the CAMO’s management. The CAMO is responsible for maintaining the continuing airworthiness of the aircraft. This change is considered to be aligned with the current understanding of the extension.
- The complete process of issuing a CofA and an ARC when transferring the aircraft between MSs is aligned.

The ARC is mutually recognised and a statement signed by the owner/CAMO is requested before validating the ARC. This validation is performed by the CAMO or the CA if the aircraft is not managed by a CAMO. On the other hand, the surveillance of aircraft recently transferred is increased due to certain concerns shared by some working-group members about a potential safety impact. These concerns are based on cases where the airworthiness status of the aircraft was not clear when entering in a new Member State registry.

The aforementioned statement helps the CA to assess that the transfer process takes place in a controlled manner, the aircraft is under control, and the person accountable in accordance with M.A.201 is aware of their responsibilities.

On top of that, the AMC/GM provide further clarification on when the maintenance programme for the aircraft with the new registration should be available (approved or declared).

Finally, 21.A.179 ‘Transferability and reissuance within Member States’ is amended and some of the requirements are transferred for clarify to Section B.

- The NAAs’ record-keeping requirements are added in this proposal providing clear specifications on what is expected from the CA. This will contribute to harmonising the approach within the EU, while maintaining the traceability of the tasks performed under Subpart I.
- The requirements in M.A.902 with regard to the validity of the airworthiness review certificate or when the aircraft must not fly have been simplified because they were already covered by other requirements (e.g. the requirement on when the certificate of airworthiness is valid).

## 4.4. Analysis of impacts

### 4.4.1. Safety impact

The proposed changes to the IR and AMC/GM have been analysed from a safety impact perspective as they touch on airworthiness review, thus bearing potential risks with regard to a wrong assessment of the aircraft’s airworthiness status.

This proposal clarifies the current process, which contributes to facilitating its implementation and consequently to having a positive impact on safety. On the other hand, although already possible in the



context of the current regulation, this proposal reinforces the oversight over the airworthiness review process, including the transfer process, through the oversight over the organisations and through the ACAM programme.

Additionally, the word 'airworthy' is removed from the ARC EASA Form 15a/b in cases where the certificate is extended. There is no safety impact associated with this because the extension does not require an airworthiness review but an assessment of how the aircraft has been maintained.

#### 4.4.2. Environmental impact

No environmental impact is anticipated.

#### 4.4.3. Social impact

The proposed changes do not affect the privileges of the organisations that intervene in the airworthiness review process, nor the qualification requirements for the ARS. The proposal adds qualification requirements for certain staff (airworthiness review support staff (ARSS)) who may assist the ARS to perform the airworthiness review. No impact to the ARS is foreseen due to these newly qualified staff, ARSS, because ARS always control the process, perform some of the tasks of the airworthiness review and eventually sign the ARC or recommendation.

Furthermore, some independent certifying staff, if appropriately accepted, may issue an ARC for European light aircraft (ELA)<sup>1</sup> not involved in commercial operations when currently, they are only entitled to sign a recommendation. This proposal follows the proportionate approach for GA.

#### 4.4.4. Economic impact

This proposal aims at decreasing the administrative burden by reducing the number of recommendations required by CAMOs or certifying staff for issuing an ARC. The organisations or certifying staff, if approved to do so, will issue an ARC directly, without the need of a recommendation. The airworthiness review process is not thereby affected because the airworthiness review is still performed. Some impact on the update of the procedures for maintenance organisations, CAMOs and CAs is expected, which will depend on the degree of changes needed to be made by the involved organisations.

The conditions for issuing a recommendation/ARC have been simplified in the current M.A.901, among others, by removing the classification of 2 730 kg MTOM from the rule. The airworthiness review process does not change so there is no safety impact.

With the proposed process of extending the ARC, the certificate may only be extended by the CAMO that managed the continuing airworthiness of the aircraft even if it was not the unique CAMO during the previous 12 months. The condition to do so is that the CAMO has already notified the CA of the State of registry when starting to manage the airworthiness of the aircraft that it is in full control of the aircraft and that the aircraft can be considered as being in a controlled environment for the purpose of an eventual extension of the ARC. Two negative economic impacts linked to this proposal are that:

- certain CAMOs with privileges to perform airworthiness reviews may see a reduction of their business due to the transfer of contracts to other CAMOs without airworthiness review privileges (if the fee of the latter is lower); and



- the administrative burden on CAMOs and CA is increased through the introduction of a new statement (although this is justified because of the safety benefit).

Nevertheless, the negative impacts are expected to be significantly outweighed by the positive impact on owners/operators because they will be able to have the ARC extended in more cases than with the current rule.

**Stakeholders are in particular invited to provide comments on the different options proposed regarding how to extend the ARC as shown in Chapter 4.3.**

**Option 0: do not change the current definition of controlled environment.**

**Option 1: remove 'unique' and '12 months' from the current definition. The aircraft would be considered as being in a controlled environment if its continuing airworthiness is continuously managed by one or several CAMOs. In such a case, the CAMO managing the continuing airworthiness of the aircraft may extend the ARC.**

**Option 2: same as Option 1 except that there is an additional requirement for the CAMO extending the ARC to have already notified the CA of the State of Registry that they are in full control of the aircraft and that the aircraft can be considered as being in a controlled environment for the purpose of an eventual extension of the ARC. This notification should be done as soon as the CAMO starts to manage the airworthiness or the aircraft.**

**Option 3: same as Option 1 but only the CAMO which issued/extended the last ARC can extend it (even if other CAMOs were contracted in the interim period).**

Another administrative simplification is accomplished through merging the current EASA Form 15a and EASA Form 15 b.

**Stakeholders are in particular invited to provide comments on the possibility to merge the three existing forms, EASA Form 15a, EASA Form 15 b and EASA Form 15 c, in one single form.**

Part-21 and Part-M have been aligned to allow smoother transfers between MSs without affecting the mutually recognised ARCs. When the ARC with the new registration needs to be validated, a new statement (proposed M.A.905(d)) has been introduced to enable the CA to assess if the process takes place in a controlled manner. This might increase the administrative burden, but this negative impact should be compensated, if not outweighed, by having quicker transfers and a clear allocation of responsibilities. Moreover, CAMOs will be entitled to validate the ARC with the new aircraft registration after transfer of the aircraft to another MS.

Furthermore, it is worth mentioning that oversight by auditing the airworthiness review process or including a recently transferred aircraft in the ACAM programme and/or product survey of the approved organisation that performs airworthiness reviews is enhanced through this NPA's proposals. Those CAs who fulfill their oversight responsibilities by using a strong ACAM programme or by already auditing airworthiness reviews are not impacted by this proposal while others will need to update their audit programmes to include such airworthiness reviews.

It is foreseen to create a more equal level of competitiveness because this proposal reduces the ambiguities of some requirements which could allow certain organisations to exploit the lack of clarity in certain aspects of the current IRs/AMC/GM.



#### 4.4.5. General Aviation (GA) and proportionality issues

This proposal is consistent with other rulemaking tasks that have introduced alleviations related to GA, and adds the possibility for independent certifying staff to sign an ARC for ELA1 aircraft not involved in commercial operations.

Due to the new structure of the proposal, a specific point M.A.904 (Part-M, Subpart I) will be dealing with the staff requirements for being accepted as ARS. The recent amendment to Regulation (EU) No 1321/2014 has introduced a new point M.A.901(I)(1) related to the ARS requirements for being nominated by the maintenance organisation in the case of ELA1 aircraft not involved in commercial operations.

**Stakeholders are in particular invited to provide comments on the possibility to transfer these requirements to M.A.904 for consistency reasons.**

#### 4.4.6. Impact on 'better regulation' and harmonisation

The changes proposed in this document are expected to have a positive impact on the level playing field between organisations located in different MSs, especially because they will improve the harmonised rule application as regards:

- open findings during an airworthiness review;
- the content of the airworthiness review and how to select samples for each category of documents;
- more than one person performing the airworthiness review;
- the supervision of the ARS; and
- transfers between MSs.

In addition, the proposed changes clarify the accountability of the different actors during an airworthiness review, which provides greater legal certainty.

**Stakeholders are kindly invited to provide data on economic impacts created by these draft rules, as well as any other quantitative information available that they consider necessary to be brought to the attention of the Agency.**



## 5. References

### 5.1. Affected regulations

- 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).
- 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 (OJ L 224, 21.8.2012, p. 1).

### 5.2. Affected CS, AMC and GM

- 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.
- Decision No. 2003/1/RM of the Executive Director of the Agency of 17 October 2003 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').

### 5.3. Reference documents

Feedback on the survey conducted by the Agency in September 2012, which was one of the sources to define the scope of this rulemaking task.

The survey was responded to by 52 participants (13 from CAs and 39 from industry) on the following topics:

**(a) Adequacy of the following concepts and detail of requirements/guidance provided**

- (1) Controlled environment (current M.A.901(b))

Number of inputs	Comments
19	No issues/comments/I agree.
16	The rule is not clear. More guidance is requested, e.g. on aircraft in storage programmes.
6	Credit is given to CAMOs performing continuing airworthiness (CAW) as subcontractors.
4	Independent certifying staff should be accepted in order to maintain the controlled environment.



4	GA issues are already addressed by the Task Force.
3	'Brand-new aircraft' should be considered as being in a controlled environment.

- (2) Recommendations (as an intermediate step before the CA issues the ARC) (current M.A.901(d)(ii))

Number of inputs	Comments
25	No issues/comments/I agree.
15	Delete the recommendations, they have no added value for the review by the CA before issuing the ARC.
9	The rule is not clear/More guidance is requested.
3	GA issues are already addressed by the Task Force.

- (3) Performance of a 'supervised' airworthiness review before granting an authorisation to the ARS (current M.A.707(b))

Number of inputs	Comments
31	No issues/comments/I agree.
13	More guidance is requested, especially on a new type of aircraft with an already approved ARS or ARS moving from one CAMO to another.
4	Supervision should always be performed by the CA.
3	Grant a direct privilege to the already approved ARS.
1	There is additional cost for the initial approval of small organisations.



- (4) 'Independence' from the airworthiness review process and from the maintenance release of the aircraft (current AMC M.A.707(a))

Number of inputs	Comments
23	No issues/comments/I agree.
11	The rule is not clear. More guidance is requested on the independence from CRS or certain personnel coming from the Quality Department.
10	Allow personnel certifying maintenance to perform the airworthiness review without limitation or by limiting their 'independence' to minor checks.
8	'Independence' is not needed or is difficult to comply with in small organisations.

- (5) 'Inconclusive' airworthiness review (current M.A.710(h))

Number of inputs	Comments
34	The rule is not clear. More guidance is requested basically on the sample (fixed percentage or use of a standard) and the period to be sampled.
15	No issues/comments/I agree.
3	There is no need for this concept.

- (6) 'Sampling of documents' during the airworthiness review (current AMC M.A.710(a))

Number of inputs	Comments
32	The rule is not clear. More guidance is requested, basically on the sample (fixed percentage or use of a standard) and the period to be sampled.
18	No issues/comments/I agree.
2	Special treatment is needed for GA.



## (7) Content of the documented review (current M.A.710)

Number of inputs	Comments
29	No issues/comments/I agree.
17	The rule is not clear. More guidance is requested on the following: the latest revision type design of the aircraft, the aircraft configuration, how long an airworthiness review could last, or the operational requirements.
3	This content is not suitable for GA or the issue has already been addressed in the Task Force.

(b) Should an ARC be issued with open findings?

Number of inputs	Comments
42	Yes. Most of the comments are covered with the current requirements, but it seems that the rule is not clear. Almost all of the comments request a categorisation of the findings and that a potential 'Level 2' open finding is allowed if controlled.
7	No.
3	No change is requested/No comments.

**Additional comments**

Comments/Questions
What is the language of the recommendation?
If an ARC is issued before the expiry date of the former one, which is the valid one during the common period?
Performance of the physical part of the airworthiness review by another ARS if the process is under control.
Issue of an ARC for less than a year under certain circumstances.
Privately owned and operated GA is overregulated.



## 6. Appendices

N/A

