



Opinion No 10/2013

'Part M General Aviation Task Force (Phase I)'

RELATED NPA/CRD 2012-17 – RMT.0463 – 07/10/2013

EXECUTIVE SUMMARY

Following a survey letter sent by the Agency to stakeholders and NAAs on 4 July 2011 and a workshop organised in Cologne on 27 October 2011, the Agency decided to create a 'Part M General Aviation Task Force' representing the diversity of General Aviation sectors, with the objective of discussing appropriate actions that would reduce the burden on the General Aviation community. Two separate phases were established:

- Phase I: Covering a first set of alleviations for which an extensive Regulatory Impact Assessment was not required (Maintenance Programmes and Airworthiness Reviews).
- Phase II: Covering other areas where further action was needed (rulemaking, standardisation, change management, etc.) but where more technical discussions and an extensive Regulatory Impact Assessment are required.

This Opinion covers the Phase I and proposes amendments to the rules in the following areas:

- Development of maintenance programmes by maintenance organisations.
- Possibility for the owner to declare the maintenance programme.
- Introduction of Minimum Inspection Programmes.
- Introduction of a simplified maintenance programme, which will be complemented in the AMC material by a template to customise the maintenance programme.
- Possibility for maintenance organisations to perform the airworthiness review at the same time as the annual inspection.

Later on, additional AMC material will be issued for the following:

- Clarification that, depending of the scope of work, the Subpart F maintenance organisation may not need a hangar and may use alternative suitable facilities.
- Introduction of guidance related to the use of the indirect approval procedure by the CAMO to introduce new type ratings in their scope of approval.

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EC) No 2042/2003 EASA ED Decision 2003/19/R	Concept paper:	No
Affected stakeholders:	Aircraft owners, maintenance organisations, continuing airworthiness management organisations, manufacturers, competent authorities	Rulemaking group:	No
Driver/origin:	Proportionality and cost effectiveness	ToR:	23/10/2012
Reference:	N/A	RIA type:	Light
		Technical consultation during NPA drafting:	Task force
		Duration of NPA consultation:	3 months
		Review group:	No
		Focused consultation:	Task force
		Publication date of the Decision:	2014/Q4

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1 Procedural information

1.1 The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Opinion in line with Regulation (EC) No 216/2008 (hereinafter referred to as the 'Basic Regulation')¹ and the Rulemaking Procedure.²

This rulemaking activity is included in the Agency's Rulemaking Programme for 2013 under RMT.0463. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Opinion has been developed by the Agency taking into consideration the technical advice of a specific Task Force created for this purpose. All interested parties were consulted through NPA 2012-17³. 350 comments were received from National Aviation Authorities, professional organisations and private individuals.

The Agency has addressed and responded to the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) 2012-17⁴.

The final text of this Opinion with the draft Regulation has been developed by the Agency taking into consideration the technical advice of the Task Force.

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

1.2 The structure of this Opinion and related documents

Chapter 1 of this Opinion contains the procedural information related to this task. Chapter 2 'Explanatory Note' explains the core technical content. Chapter 3 summarises the findings from the Regulatory Impact Assessment. The rule text proposed by the Agency is published on the Agency website⁵.

1.3 The next steps in the procedure

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

For information, the Agency included in Appendix IV - VII to CRD 2012-17 the draft text for the related Agency Decision containing Acceptable Means of Compliance/Guidance Material. The final Decision adopting the AMC/GM will be published by the Agency once the European Commission/Parliament and Council have adopted the regulations.

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

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

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

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

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

2 Explanatory Note

2.1 Issues to be addressed

Following a survey letter sent by the Agency to stakeholders and NAAs on 04 July 2011, and a workshop organised in Cologne on 27 October 2011, the Agency decided to create a 'Part M General Aviation Task Force' representing the diversity of General Aviation sectors, with the objective of discussing appropriate actions that would reduce the burden on the General Aviation community. Two separate phases were established:

- Phase I: Covering a first set of alleviations for which an extensive Regulatory Impact Assessment was not required (Maintenance Programmes and Airworthiness Reviews).
- Phase II: Covering other areas where further action was needed (rulemaking, standardisation, change management, etc.) but where more technical discussions and an extensive Regulatory Impact Assessment are required.

This Opinion covers the alleviations introduced during Phase I.

2.2 Objectives

The Basic Regulation aims at establishing and maintaining a high uniform level of civil aviation safety in Europe.

This does not necessarily mean to apply the same rules for all aircraft categories and types of operation. As a matter of fact, it is necessary to adapt the complexity of the implementing rules to the risks associated to the different categories of aircraft and types of operation and, in particular, to the lower risks associated to General Aviation aircraft.

This Opinion covers a first set of alleviations (Phase I) for which an extensive Regulatory Impact Assessment was not required (Maintenance Programmes and Airworthiness Reviews).

2.3 Outcome of the consultation

Refer to the Comment-Response Document (CRD) 2012-17 published on the Agency website.

2.4 Summary of the Regulatory Impact Assessment (RIA)

Impact on safety

The fact that the Basic Regulation aims at establishing and maintaining a high uniform level of civil aviation safety in Europe does not necessarily mean to apply the same rules for all aircraft categories and types of operation. As a matter of fact, it is necessary to adapt the complexity of the implementing rules to the risks associated to the different categories of aircraft and types of operation and, in particular, to the lower risks associated to General Aviation aircraft.

As a consequence, the objective has been to maintain an acceptable level of safety in view of the lower risks associated to this category of aircraft and operations.

With this in mind, the opinion of the Agency is that appropriate compensating measures have been introduced in order to ensure an adequate level of safety. In particular,

- for the development of the maintenance programme by maintenance organisations:
 - The complexity of the maintenance programme for ELA2 aircraft is much lower than for larger aircraft.
 - The maintenance organisation is still required to have the corresponding procedures and properly qualified personnel.
 - This activity is subject to the internal organisational review or quality audit of the maintenance organisation and to periodic audits by the competent authority.
- for the declaration of the maintenance programme by the owner:
 - It has been limited to ELA1 aircraft not involved in commercial operations.

- The introduction of the 'Minimum Inspection Programme' guarantees that even if the owner decides not to implement many of the recommendations from the Design Approval Holder, he/she cannot go below the 'Minimum Inspection Programme'.
 - The maintenance programme has to be reviewed at least annually in conjunction with the airworthiness review. If deficiencies are found linked to an inadequate maintenance programme, it has to be notified to the competent authority and the owner has to amend the maintenance programme as agreed with the competent authority.
- for the introduction of a 'Minimum Inspection Programme':
- This cannot be seen as a reduction in the level of safety because other recommendations from the Design Approval Holder still need to be considered (even if deviations could be allowed). As a matter of fact, the 'Minimum Inspection Programme' establishes a minimum under which it cannot be passed. This is a way to solve the problem created by inadequate maintenance schedules (for some older aircraft) and a compensating measure to avoid that the owner, when declaring the maintenance programme, decides not to implement too many recommendations from the Design Approval Holder.
- for the introduction of a simplified maintenance programme (M.A.302(h)), which will be complemented in the AMC material by a template for the maintenance programme:
- In addition to an improvement in standardisation across the different Member States, this proposal will improve safety by making clear the minimum requirements.
- for the airworthiness review by maintenance organisations:
- The complexity of the airworthiness review for ELA1 aircraft is much lower than that for larger aircraft.
 - The maintenance organisation are already qualified to perform the physical survey of the aircraft.
 - The airworthiness review has to be performed by personnel with the same qualifications and authorisation process as for CAMOs.
 - The maintenance organisation is required to have the corresponding procedures and competence.
 - This activity is subject to the internal organisational review or quality audit of the maintenance organisation and to periodic audits by the competent authority.

In addition, the opinion of the Agency is that reducing the involvement of the competent authority on issues such as the approval of maintenance programmes and the performance of airworthiness reviews for ELA1 aircraft not involved in commercial operations, will allow the competent authority to focus on 'higher risk' maintenance programmes and on important tasks such as the ACAM programme and the surveillance of organisations.

Impact on aircraft owners

Significant positive impact due to greater flexibility and a reduction of costs:

- Possibility for having the maintenance programme developed by a maintenance organisation. In most cases, the owner already has a contract with a maintenance organisation to perform certain maintenance, and this allows to perform the maintenance and the development of the maintenance programme within the same organisation, without contracting a CAMO.
- Possibility for declaration of the maintenance programme, without the obligation to have it approved by the competent authority.

- Simplification of the development of the maintenance programme by introducing 'Minimum Inspections Programmes' and a simplified procedure for customisation (it will be complemented by a template of maintenance programme in the AMC material).
- Possibility for having the airworthiness review performed by the maintenance organisation responsible for the release of the annual inspection. This avoids the need to contract a CAMO or to go to the competent authority for the airworthiness review.

Impact on maintenance organisations (M.A. Subpart F and Part 145)

Positive impact due to greater business opportunities:

- Possibility for having the maintenance programme developed by the maintenance organisation. This means an economic benefit for those maintenance organisations obtaining the contracts.
- Possibility for having the airworthiness review performed by the maintenance organisation responsible for the release of the annual inspection. This means an economic benefit for those maintenance organisations obtaining the contracts.

Impact on continuing airworthiness management organisations (CAMOs)

Negative impact due to a reduction on the business opportunities:

- Possibility for having the maintenance programme developed by a maintenance organisation. This means the loss of certain contracts, which will be transferred to maintenance organisations.
- Possibility for having the airworthiness review performed by the maintenance organisation responsible for the release of the annual inspection. This means the loss of certain contracts, which will be transferred to maintenance organisations.

Nevertheless, CAMOs still have higher privileges which provide them an advantage over maintenance organisations. In particular:

- Possibility for CAMOs to use indirect approval procedures for the maintenance programme.
- Possibility for CAMOs to extend the ARC twice (without airworthiness review) for those aircraft which are in a controlled environment and are being managed by the CAMO.
- CAMOs are the only ones approved to manage the continuing airworthiness of aircraft.

Impact on aircraft manufacturers

Positive impact because the greater flexibility and reduced costs for aircraft owners will likely result on more resources available for them to buy aircraft.

Impact on competent authorities

The measures will reduce the workload of the competent authorities in the following areas:

- Approval of maintenance programmes.
- Airworthiness reviews.

For certain competent authorities this will be positive because they will have more time available for other important aspects, such as the ACAM programme and the surveillance of organisations. It will also allow them to focus on 'high risk' maintenance programmes.

However, for other competent authorities this will be negative because they will lose certain income from these activities.

2.5 Overview of the proposed amendments

Proposal 1: Possibility (option) for the owner to contract the development and approval processing of the maintenance programme to a Part 145 or M.A. Subpart F maintenance organisation (M.A.201(e)(ii)).

Applicable to ELA2 aircraft not involved in commercial operations.

However, as stated in M.A.302(c), the approval of the maintenance programme via an indirect approval procedure is only possible when the maintenance programme has been developed by an M.A. Subpart G organisation (CAMO).

Proposal 2: Possibility (option) for the owner to issue a declaration for his/her own aircraft's maintenance programme (M.A.302(h)4).

Applicable to ELA1 aircraft not involved in commercial operations.

This means that, under this option, the maintenance programme is not approved by the competent authority.

This option is possible for any maintenance programme developed under the requirements of M.A.302(h), regardless of who has developed it (CAMO, maintenance organisation or owner). However, if the owner elects to issue a declaration for the maintenance programme, he/she declares that this is the maintenance programme for the particular aircraft and he/she is fully responsible for its content and, in particular, for any deviations from the Design Approval Holder's recommendations.

Furthermore, the owner can declare the maintenance programme even if the aircraft is being managed by a CAMO. In that case, the owner takes full responsibility for any deviations introduced to the maintenance programme proposed by the CAMO.

The Agency would like to note that the introduction of the Minimum Inspection Programme' guarantees that even if the owner decides not to implement many of the Design Approval Holder recommendations, he/she can never go below the 'Minimum Inspection Programme'.

Under this option, there is no obligation for the owner to send a copy of the declared maintenance programme to the competent authority. However, if the annual review of the maintenance programme (done at the same as the airworthiness review) shows discrepancies linked to deficiencies in the maintenance programme, the owner shall amend the maintenance programme as agreed with the competent authority.

Proposal 3: Introduction of 'Minimum Inspection Programmes' (M.A.302(i)) which may be used as a basis for the development of the maintenance programme.

Applicable to (*):

- **ELA1 aeroplanes not involved in commercial operations;**
- **ELA1 sailplanes and ELA1-powered sailplanes not involved in commercial operations;**
- **ELA1 balloons not involved in commercial operations.**

(*) A 'Minimum Inspection Programme' for ELA1 airships has not been proposed due to the difficulty to establish common requirements for all of them.

M.A.302(i) contains the requirements for the 'Minimum Inspection Programme'. In addition, specific tables for each one of the aircraft categories identified above will be provided in the AMC material.

This option is possible for any maintenance programme developed under the requirements of M.A.302(h), regardless of who has developed it (CAMO, maintenance organisation or owner) and regardless of whether it is approved by the competent authority or declared by the owner.

It is important to note that the 'Minimum Inspection Programme' is just the basis to create the maintenance programme. However, the maintenance programme has to be customised to the particular aircraft configuration and type of operation in accordance with M.A.302(h)3.

Proposal 4: Introduction of a simplified maintenance programme (M.A.302(h)).

Applicable to ELA1 aircraft not involved in commercial operations.

Important aspects of this simplified maintenance programme are the following:

- It has to identify the owner and the aircraft (including any installed engine and propeller).
- It can be based either on the 'Minimum Inspection Programme' or fully on Design Approval Holder data. However, in no case can it be less restrictive than the Minimum Inspection Programme.
- It has to be customised to the particular aircraft configuration and type of operation. Even if the 'Minimum Inspection Programme' has been used as a basis, other recommendations from the Design Approval Holder (DAH) have to be taken into account as part of this customisation.
- The maintenance programme can be approved by the competent authority or declared by owner.
- The aircraft maintenance programme shall be reviewed annually in conjunction with the airworthiness review and by the same person who performed the airworthiness review (competent authority, CAMO, or maintenance organisation). If this review of the maintenance programme shows discrepancies linked to deficiencies in the maintenance programme, the owner shall amend the maintenance programme as agreed with the competent authority.

The above makes clear that the purpose of the 'Minimum Inspection Programme' is to set a minimum for this category of aircraft:

- If the maintenance instructions from the DAH are poor (sometimes the case of older aircraft), the requirement states that the maintenance programme cannot go below the Minimum Inspection Programme.
- If the maintenance instructions from the DAH are adequate, the owner has 2 options:
 - If the owner chooses to follow those DAH instructions, this is adequate.
 - If the owner chooses to follow the Minimum Inspection Programme, other recommendations from the DAH still need to be considered during the customisation of the maintenance programme. Deviations will need to be justified if the maintenance programme is going to be approved by the competent authority. Otherwise, the owner may deviate from them under his/her own responsibility by issuing a declaration of the maintenance programme.

The introduction of the 'Minimum Inspection Programme' also guarantees that even if the owner decides not to implement many of the Design Approval Holder recommendations, he/she can never go below the 'Minimum Inspection Programme'.

The requirements of M.A.302(h) will be complemented, in the AMC material, by a template which may be used to prepare a customised maintenance programme for a particular aircraft registration. Nevertheless, this template will be applicable to all aircraft except complex motor-powered aircraft.

Proposal 5: Possibility for a Part 145 or M.A. Subpart F maintenance organisation to perform the airworthiness review and issue the corresponding ARC (airworthiness review certificate) at the same time they perform the annual inspection contained in the maintenance programme (M.A.901(I)).

Applicable to ELA1 aircraft not involved in commercial operations.

Important aspects of this option are the following:

- The maintenance organisation can perform the airworthiness review regardless of whether the maintenance programme is based on the 'Minimum Inspection Programme' or on Design Approval Holder data, and regardless of whether the maintenance programme was approved by the competent authority or declared by the owner.
- The airworthiness review has to be performed together with the annual inspection contained in the maintenance programme and by the same person who released the annual inspection.
- The maintenance organisation must have appropriately qualified and authorised airworthiness review staff.

NOTE: Proposals 6 (guidance on alternative suitable facilities) and 7 (guidance on indirect approval of a change in the scope of work) contained in the NPA 2012-17 will only introduce changes in the AMC material and, as a consequence, are not part of this Opinion.

Done at Cologne, on 7 October 2013.

(Signed)
Patrick KY
Executive Director

3 References

3.1 Affected regulations

Commission Regulation (EC) No 2042/2003, on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28.11.2003, p. 1)