



Task force for the review of Part-M for General Aviation (PHASE II)

RELATED NPA/CRD 2015-08 — RMT.0547 — 13.4.2016

EXECUTIVE SUMMARY

This Opinion proposes a ‘light Part-M’ (Part-ML) with requirements proportional to the much lower complexity and associated risks of the lighter end of the General Aviation (GA) community, and as clear and simple as possible in order to facilitate implementation.

Part-ML proposes alleviations for aircraft maintenance programmes (AMPs), airworthiness reviews and deferment of defects, and applies to the following aircraft when not listed in the air operator certificate (AOC) of an air carrier licensed in accordance with Regulation (EC) No 1008/2008 and not classified as complex motor-powered aircraft:

- aeroplanes of 2 730 kg maximum take-off mass (MTOM) or less;
- rotorcraft of 1 200 kg MTOM or less, certified for a maximum of up to 4 occupants; and
- other ELA2 aircraft.

This means that all sailplanes and balloons are covered by this Part-ML.

This Opinion also proposes a new simplified organisation approval (Part-CAO, Annex Vd to Regulation (EU) No 1321/2014) with alleviated requirements and with combined privileges for maintenance, continuing-airworthiness management, airworthiness reviews and permits to fly. Appropriate conversion requirements and transition measures have been introduced in order to facilitate the existing Part-145, Part-M, Subpart F and Subpart G organisations in obtaining the new Part-CAO approval.

This new Part-CAO approval is applicable to other-than-complex motor-powered aircraft not listed in the AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008, and does not contain safety management system (SMS) requirements.

This Opinion will be complemented by a second Opinion to be issued in 2016/Q2, which will replace the existing Part-M, Subpart G by a new Part-CAMO (Annex Vc to Regulation (EU) No 1321/2014), with SMS requirements, applicable to continuing-airworthiness management organisations (CAMOs) managing complex motor-powered aircraft, and aircraft listed in the AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008. This second Opinion will also contain the changes to Part-M stemming from both Opinions.

Applicability		Process map	
Affected regulations and decisions:	<ul style="list-style-type: none"> — Regulation (EU) No 1321/2014 — ED Decision 2015/029/R 	Terms of reference (ToR), Issue 1	2.7.2015
Affected stakeholders:	Lighter end of the General Aviation (GA) community including aircraft owners/operators, independent certifying staff, maintenance organisations, CAMOs, and competent authorities overseeing these aircraft and activities	Concept paper (CP):	No
Driver/origin:	Efficiency/proportionality	Rulemaking group (RMG):	No
Reference:	N/a	Regulatory impact assessment (RIA) type:	Light
		Technical consultation during notice of proposed amendment (NPA) drafting:	Yes (Task Force)
		NPA publication date:	9.7.2015
		NPA consultation duration:	3 months
		Review group (RG)	No
		Focused consultation:	Yes (task force, and special thematic advisory group (TAG) meeting)
		Decision expected publication date:	Once the implementing rules are adopted by the European 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 Opinion in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [5-year Rulemaking Programme](#) under RMT.0547. The scope and timescales of the task were defined in the related [ToR](#).

The *draft* text of this Opinion has been developed by the Agency based on the input of the task force for the review of Part-M for GA (hereinafter referred to as the 'Part-M GA Task Force'). The Part-M GA Task Force was set up with the participation of the Agency and the following organisations:

- Austro Control (the Austrian NAA);
- DGAC (the French NAA);
- United Kingdom Civil Aviation Authority (UK CAA);
- Aircraft Engineers International (AEI);
- Cameron Balloons;
- Europe Air Sports (EAS);
- European Ballooning Federation (EBF);
- European Council of General Aviation Support (ECOGAS);
- European General Aviation Manufacturers Association (EGAMA);
- European Sailplane Manufacturers (ESM) Association;
- European Helicopter Association (EHA);
- General Aviation Manufacturers Association (GAMA);
- International Council of Aircraft Owner and Pilot Associations (IAOPA);
- Kubicek Balloons; and
- Light Aircraft Manufacturers Association (LAMA) Europe.

All interested parties were consulted through [NPA 2015-08](#)³. Nearly 700 comments were received from interested parties, including individuals, aircraft owners/operators, flying-sports clubs/associations, independent certifying staff, maintenance organisations, CAMOs, manufacturers and competent authorities.

¹ 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)

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such a process has been adopted by the Agency's Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See [MB Decision No 18-2015](#) of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material.

³ In accordance with Article 52 of the Basic Regulation and Articles 6(3) and 7 of the Rulemaking Procedure.



A summary of the comments and the Agency's responses thereto are contained in Section 2.3 of this Opinion.

The *final* text of this Opinion and the draft Implementing Rule have been developed by the Agency based on the input of the focused consultation.

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 and summarises the RIA. The draft rule text proposed by the Agency is published on the Agency's website⁴.

1.3. The next steps in the procedure

This Opinion contains the proposed amendments to Regulation (EU) No 1321/2014⁵ (hereinafter referred to as the 'Continuing-Airworthiness Regulation'). It is submitted to the European Commission to be used as a technical basis in order to prepare a legislative proposal.

The Agency published the draft AMC/GM in the Comment-Response Document (CRD) 2015-08⁶. The final decision, to which the related AMC/GM will be annexed, will be published by the Agency once the European Commission has adopted the related Implementing Rule. Until that time, the Agency will further develop, in consultation with the Part-M GA Task Force, the AMC/GM presented in CRD 2015-08.

⁴ <http://easa.europa.eu/document-library/opinions>

⁵ 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)

⁶ <http://easa.europa.eu/document-library/comment-response-documents>



2. Explanatory note

2.1. Issues to be addressed

Following a survey letter the Agency sent to stakeholders and NAAs on 4 July 2011, and a workshop organised in Cologne on 27 October 2011, the Agency decided to set up the Part-M GA Task Force, representing the diversity of GA sectors, with the objective of discussing appropriate actions that would reduce the burden on the GA community. 2 separate phases were established:

- Phase I: this phase has already covered a first set of alleviations for which an extensive RIA was not required (AMPs and airworthiness reviews); and
- Phase II: this phase covers other areas where further actions and more technical discussions were needed.

Phase I resulted in the Agency issuing [Opinion No 10/2013](#) in October 2013. Based on that Opinion, the European Commission adopted Regulation (EU) 2015/1088⁷ on 3 July 2015.

After issuing the above-mentioned Opinion, the Agency started discussing with the Part-M GA Task Force other issues to be addressed during Phase II, such as:

- the need to extend the alleviations agreed during Phase I (which were mostly applicable to ELA1 aircraft not used in commercial operations) to a wider aircraft category;
- granting more privileges to individuals, such as the possibility to perform airworthiness reviews and issue airworthiness review certificates (ARCs); and
- the simplification of the requirements for deferment of defects.

In addition, it was made crystal clear by all the members of the Part-M GA Task Force that there was a need to develop a 'light' Part-M, completely independent from Part-M.

This need for a light Part-M was, later on, very strongly voiced by the industry during the annual EASA Safety Conference: Towards simpler, lighter, better rules for General Aviation, held in Rome on 15 and 16 October 2014. It was at that conference where the Agency's Executive Director (ED) made the commitment that the Agency will develop a light Part-M as a matter of urgency.

2.2. Objectives

The first objective of this Opinion is to propose a light Part-M (Part-ML) with requirements proportional to the much lower complexity and associated risks of the lighter end of the GA community, and as clear and simple as possible in order to facilitate implementation.

Further alleviations to those proposed during Phase I have been proposed, and their scope has been extended to the following aircraft when not listed in the AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008⁸ and not classified as complex motor-powered aircraft:

- aeroplanes of 2 730 kg MTOM or less;
- rotorcraft of 1 200 kg MTOM or less certified for a maximum of up to 4 occupants; and

⁷ 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)

⁸ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (OJ L 293, 31.10.2008, p. 3)



- other ELA2 aircraft.

The second objective of this Opinion, following the comments received during the NPA consultation, is to propose a new simplified organisation approval (Part-CAO) with alleviated requirements and with combined privileges for maintenance, continuing-airworthiness management, airworthiness reviews and issuance of permits to fly.

This new Part-CAO organisation:

- is applicable to other-than-complex motor-powered aircraft not listed in the AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008; and
- does not contain SMS requirements.

Furthermore, the following aspects linked with continuing airworthiness in GA, although not directly addressed in this task, have been considered for appropriate coordination, always within the framework established by the GA Road Map:

- ‘Part-M GA task force (Phase I)’ (RMT.0463) has already been addressed through [Opinion No 10/2013](#), published in October 2013 and adopted by the European Commission through Regulation (EU) 2015/1088 of 3 July 2015;
- ‘B2L and L Part-66 aircraft maintenance licences’ (RMT.0135) has already been addressed through [Opinion No 05/2015](#), published on 22 June 2015, and has already been voted for by the Member States in the EASA Committee of 17–18 February 2016. A new Regulation is expected to be adopted by the European Commission after summer 2016;
- ‘Certification Specifications for Standard Changes and Standard Repairs’ (CS-STAN) (RMT.0245) has already been addressed through [ED Decision 2015/016/R](#) adopted on 9 July 2015 and will be subject to recurrent updates;
- ‘Technical Records’ (RMT.0276) is currently in progress with a review group (RG) evaluating the comments received on [NPA 2014-04](#); and
- ‘Airworthiness review process’ (RMT.0521) is currently in progress with [NPA 2015-17](#) published on 5 November 2015.

2.3. Outcome of the consultation

700 comments approximately were received during the public consultation of NPA 2015-08.

2.3.1 Summary of comments received on NPA 2015-08

Impact on approved organisations

- A number of organisations’ associations commented that the increase of privileges granted to pilots and independent certifying staff significantly impacts on their business opportunities. Some of them proposed not to grant so many privileges to independent certifying staff if the aircraft is involved in commercial operations.
- In order to compensate for the above-mentioned impact, these organisations’ associations requested (supported also by some NAAs) a simplification of the requirements and an increase of privileges for small and medium approved organisations. This may be achieved, for example, by a single organisation approval with combined privileges for maintenance and continuing-airworthiness management.



Proposal for a separate Part-ML

- The creation of a separate Part-ML was strongly supported, with a limited number of concerns as follows:
 - Part-ML should be further simplified for light sport aircraft (LSA), with the Agency and the Federal Aviation Administration (FAA) coordinating in order to establish a global standard;
 - the balloon community would still prefer to have a separate Part-ML for balloons; and
 - there is a fear that Part-ML will apply in the future to aircraft currently included in Annex II of the Basic Regulation, either because some aircraft could be removed from Annex II or because the NAAs may use a copy of Part-ML to apply it to Annex II aircraft through national rules.
- Some NAAs would prefer that Part-ML does not contain any cross references to specific requirements of Part-M, and also requested that any alleviations introduced in Part-M through Regulation (EU) 2015/1088 be removed (the alleviations should be included only in Part-ML).
- The FAA supported the proposal that SMS requirements are not introduced for GA.

Option for the owner to choose between Part-ML or Part-M

- This option was generally supported, with some comments expressing the following concerns:
 - providing the option may complicate the system and may lead to the conclusion that Part-ML is a low standard, raising insurance costs and reducing the residual value of the aircraft; and
 - the FAA requested that guidance is developed in order to aid them (and other authorities) in the process of accepting aircraft which were maintained under Part-ML when moving them to a more traditional maintenance regime.

Applicability of Part-ML to ELA2 aircraft and to rotorcraft with up to 4 occupants and up to 1 200 kg MTOM

- Some owners' associations expressed the view that Part-ML should be applicable also to larger aircraft, while some organisations' associations requested to limit the scope to only ELA1 aircraft and rotorcraft with up to 4 occupants when used for non-commercial operations (Part-NCO).
- GAMA noted the need to continuously introduce alleviations in the future, including larger aircraft, and based on implementation experience.

Applicability of Part-ML to all types of operations (private, commercial and CAT)

- Several NAAs and organisations' associations expressed the view that Part-ML should not be applicable to commercial operations or, at least, to commercial air transport (CAT).
- Some commentators expressed the view that if Part-ML is used for CAT, the passengers should be informed.

Declaration of the AMP by the owner

- This was not supported by certain organisations' associations, who believe that the AMP should be always approved by the NAA or by approved organisations.



- Some NAAs expressed the view that in Part-ML, the declaration should be the only option (no approval possible by an NAA), with the possibility for the owner to have support from a CAMO or maintenance organisation but the owner should always be responsible.
- There were some concerns from the Federal Office of Civil Aviation (FOCA) of Switzerland about the declaration of the AMP without a need to justify deviations, in particular for time between overhaul (TBO) extensions.

Use of the minimum inspection programme (MIP) as an alternative to the data from the design approval holder (DAH)

This was generally supported; only a balloon manufacturer who believes that using the data from the manufacturer should be the only option submitted a limited number of comments against it.

Proposal of a template for the AMP

- This proposal was generally supported.
- Some comments were received requesting the introduction of more explanations in the template (or in a separate guidance material (GM)) on how to complete its various fields.

Possibility for maintenance organisations to perform airworthiness reviews and issue the ARC together with the 100-h/annual inspection

This was generally supported.

Possibility for independent certifying staff to perform airworthiness reviews and issue the ARC together with the 100-h/annual inspection (only for sailplanes, balloons, hot-air airships and ELA1 aeroplanes operated under Part-NCO)

- Some associations of approved organisations did not support this option while some owners' associations proposed to extend this possibility to all ELA2 aircraft.
- Some NAAs commented that these staff should be authorised by the NAA to perform airworthiness reviews.

Format of the ARC (Form 15c)

Comments were received requesting that:

- Form 15c fit in one page;
- it be made clear that ARC issued by certifying staff holding a national qualification is only valid for aircraft registered in that Member State;
- it be made clear in Part-M that Forms 15a and 15b are not applicable to the aircraft categories covered by Part-ML;
- Form 15c include a reference to the applicable AMP, which should be always self-declared; and
- Form 15c include a field with the main base of the aircraft in order to help the NAA in planning the audits.



Possibility for the pilot to defer certain defects without the intervention of certifying staff (only for aircraft operated under Part-NCO)

- Some comments from owners' associations expressed the view that this should be possible for all ELA2 aircraft and operations.
- Europe Air Sport (EAS) requested to remove from ML.A.403(b)3 the requirement that 'authorised certifying staff is not available' in order for the pilot to defer a defect since the intended meaning is not clear and could be implemented either very relaxedly or very strictly. They also requested to develop AMC material to indicate how particular equipment should be assessed as defective (depending on the level of performance and its effect on safety).

Guidance on the risk-based approach to be applied for TBO extensions, etc.

It was generally supported.

The Agency asking for opinions on whether the passengers should be informed and/or a placard should be used to identify that the aircraft follows Part-ML

- It was not supported by the FAA and by the competent authorities of Germany, Austria, Hungary, Sweden, Switzerland and Ireland.
- It was not supported by the majority of industry stakeholders.
- It was supported by:
 - the Netherlands (passengers to be informed when buying a ticket for CAT);
 - the European Sailplane Manufacturers (ESM); and
 - the European Federation of Light, Experimental and Vintage Aircraft (EFLEVA).

The Agency asking whether the need for an AMP should be removed (subject to a future amendment to the Basic Regulation)

- It was generally supported by owners and their associations.
- It was generally supported by the balloon industry.
- It was supported by Luftfahrt-Bundesamt (LBA), the German NAA, and in the case of balloons, by FOCA (the Swiss NAA).
- It was not supported by DGAC (the French NAA) and the Dutch NAA.
- The FAA commented that if the AMP is eliminated, the Agency should develop guidance for the maintenance process.

The Agency asking whether the ARC document should be eliminated (airworthiness review still needed) and replaced by a statement in the certificate of release to service (CRS)

- It was generally supported by the balloon community, proposing to eliminate the ARC document and combine the signature of the annual inspection and the airworthiness review in a single CRS statement.
- It was not supported by the NAAs of Germany, the Netherlands, Sweden, Switzerland and France.



- The FAA commented that if the ARC is eliminated, the Agency should develop a standardised CRS statement covering both maintenance and airworthiness review.

The Agency asking whether the requirement to contract a CAMO should be eliminated for commercial operations (subject to a future amendment to the Basic Regulation)

- There was a very limited number of responses.
- The Austrian NAA proposed to replace the need for a CAMO by a simplified organisation approval with combined privileges (maintenance and continuing-airworthiness management).
- The NAAs of Germany and France opposed to it.

Question from the Agency asking whether certain balloons should be transferred to Annex II of the Basic Regulation

- There was a very limited number of responses.
- The NAAs of Germany, France and Austria opposed it.

2.3.2 Focused consultation on the comments received on NPA 2015-08

In order to develop this Opinion, the comments received during the NPA 2015-08 public consultation and summarised under Section 2.3.1 above were analysed and discussed in the following forums:

- special P&M TAG meeting on 'Light Part-M' with the NAAs on 12 November 2015; and
- Part-M GA Task Force meetings on 18 and 19 November 2015 as well as on 13 and 14 January 2016.

In addition, the issues related to airworthiness reviews and SMS requirements were also discussed during the following events:

- workshop on the 'Review of the Airworthiness Review Process' (NPA 2015-17) on 24 November 2015; and
- expert group meetings for RMT.0251 (MDM.055) Phase I 'SMS for CAMOs' on 25 and 26 November 2015 as well as on 16 February 2016.

The conclusions of those discussions were the following:

Impact on approved organisations

- It was agreed that it is essential to reduce the burden on owners, operators and their clubs and associations. As a consequence, the increase of privileges for individuals (pilots and independent certifying staff) should be maintained.
- Nevertheless, the Agency would like to note that aircraft not operated under Part-NCO still need to be maintained and managed by approved organisations. For these aircraft, independent certifying staff cannot perform airworthiness reviews and issue the ARC, and pilots cannot defer defects unless they use the minimum equipment list (MEL).
- In order to mitigate the impact on approved organisations, it was agreed to introduce a simplified organisation approval (Part-CAO) with combined privileges for maintenance and continuing-airworthiness management, and with no SMS requirements. This should significantly reduce the costs incurred by these organisations as well as the administrative burden, allowing them to offer their valuable services at a reduced cost, thus attracting more customers.



- It was proposed to explore, in coordination with the associations of approved organisations, further alleviations/privileges for approved organisations which may be introduced through future rulemaking activities.

Proposal for a separate Part-ML

- It was agreed to create a separate Part-ML (light Part-M) completely independent from Part-M (with no cross references). Any alleviation previously introduced in Part-M through Regulation (EU) 2015/1088 would be removed since it would already be included in Part-ML.
- It was generally agreed that a separate Part-ML for balloons was not needed because Part-ML was going to be so significantly simplified that all the requirements could also be applied to balloons.

Option for the owner to choose between Part-ML or Part-M

It was agreed not to give the option to choose between Part-M and Part-ML because providing such a possibility would complicate the system and could lead to the conclusion that Part-ML is a low standard, possibly raising insurance costs and reducing the residual value of the aircraft.

Applicability of Part-ML to ELA2 aircraft and to rotorcraft with up to 4 occupants and up to 1 200 kg MTOM

It was generally agreed to extend the scope of Part-ML in order to include the following aircraft as long as they are not classified as complex motor-powered aircraft:

- aeroplanes of 2 730 kg MTOM or less;
- rotorcraft of 1 200 kg MTOM or less certified for a maximum of up to 4 occupants; and
- other ELA2 aircraft.

Applicability of Part-ML to all types of operations (private, commercial and CAT)

- It was agreed to exclude aircraft involved in CAT (licensed air carriers under Regulation (EC) 1008/2008) from Part-ML. Those aircraft would need to comply with Part-M.
- It was also agreed to define requirements for the transfer of aircraft from Part-ML to Part-M.

Declaration of the AMP by the owner

It was agreed that Part-ML should not include the option to have the AMP approved by the competent authority. The AMP should be:

- declared by the owner if the aircraft is not managed by a CAMO (or CAO), in which case, the owner can introduce deviations from the DAH's recommendations without the need to provide justifications; and
- approved by the CAMO (or CAO) when the CAMO (or CAO) has been contracted by the owner/operator in order to manage the continuing airworthiness of the aircraft, in which case the CAMO (or CAO) has to record the justifications for introducing deviations from the DAH's recommendations.

Use of the MIPs as an alternative to the data from the DAH

It was agreed to maintain the introduction of MIPs.



Proposal for a template for the AMP

It was agreed to introduce this template, with more guidance on how to complete its various fields.

Possibility for maintenance organisations to perform airworthiness reviews and issue the ARC together with the 100-h/annual inspection

It was agreed to maintain this option for all aircraft and operations covered by Part-ML.

Possibility for independent certifying staff to perform airworthiness reviews and issue the ARC together with the 100-h/annual inspection (only for sailplanes, balloons, hot-air airships and ELA1 aeroplanes operated under Part-NCO)

- It was agreed to allow this privilege for all aircraft covered by Part-ML as long as they are operated under Part-NCO.
- However, in order to have the privilege, the independent certifying staff would need to have an authorisation from the competent authority of the Member State who issued the Part-66 licence (or an equivalent national qualification). This authorisation would be mutually recognised for aircraft registered in any Member State if based on a Part-66 licence. Nevertheless, the authorisation would only be valid for aircraft registered in the relevant Member State if based on a national qualification.

Format of the ARC (Form 15c)

It was agreed:

- to make Forms 15a and 15b applicable only to Part-M, and Form 15c applicable only to Part-ML; and
- to simplify Form 15c so that it fits in one page.

Possibility for the pilot to defer certain defects without the intervention of certifying staff (only for aircraft operated under Part-NCO)

It was agreed to maintain this alleviation only for aircraft operated under Part-NCO.

Guidance on the risk-based approach to be applied for TBO extensions, etc.

It was generally supported.

The Agency asking for opinions on whether the passenger should be informed and/or a placard should be used to identify that the aircraft follows Part-ML

It was agreed that this was not needed for the following reasons:

- aircraft involved in CAT will not be covered by Part-ML (they will have to follow Part-M); and
- for aircraft covered by Part-ML, the use of Part-ML is the only option (they cannot apply Part-M) since it provides for an adequate level of safety.

The Agency asking whether the need for an AMP should be removed (subject to a future amendment to the Basic Regulation)

- It was agreed that the requirement for an AMP can only be removed if the Basic Regulation is amended.



- Nevertheless, it was agreed to define within Part-ML a ‘default’ AMP that could be applied, under certain conditions, in those cases where the owner follows the DAH’s data without deviations from the maintenance recommendations. In those cases, there would not be a need to create an AMP document.

The Agency asking whether the ARC document should be eliminated (airworthiness review still needed) and replaced by a statement in the certificate of release to service (CRS):

- It was decided that the ARC should not be eliminated because:
 - it provides a standardised format which facilitates the transfer of aircraft between Member States, and
 - it is still needed for those cases where the airworthiness review is not performed together with the 100-hour/annual inspection.
- Nevertheless, it was agreed to simplify the ARC (Form 15c) as much as possible in order to reduce to the minimum the administrative task of completing it. Furthermore, persons and organisations performing the airworthiness review in combination with the 100-h/annual inspection may use the reverse side of the ARC in order to issue the ML.A.801 CRS corresponding to the 100-h/annual inspection.

The Agency asking whether the requirement to contract a CAMO should be eliminated for commercial operations (subject to a future amendment to the Basic Regulation):

- It was agreed that the requirement to have an organisation managing the continuing airworthiness of the aircraft for commercial operations can only be removed if the Basic Regulation is amended.
- Nevertheless, in order to reduce the burden, it was agreed to introduce a simplified organisation approval (Part-CAO) with combined privileges for maintenance and continuing-airworthiness management, and with no SMS requirements.

The Agency asking whether certain balloons should be transferred to Annex II of the Basic Regulation:

It was agreed not to propose the transfer of balloons to Annex II of the Basic Regulation because this would create other problems, such as the lack of mutual recognition of type certificates (TCs).

2.4. Summary of the RIA

2.4.1 Safety impact

- The creation of a separate Part-ML containing only the requirements applicable to the lighter end of the GA community is not anticipated to have any negative impact (not only on safety but also on other areas). On the contrary, the following benefits are expected:
 - it will provide more clarity for stakeholders and competent authorities, thus facilitating its understanding and implementation and, as a consequence, it will raise the level of safety achieved; and
 - it will ensure that regulatory changes being discussed for more complex aircraft can be kept away from Part-ML, preventing any possible side effects on the lighter end of the GA community.



- Regarding the extension of the alleviations introduced by Regulation (EU) 2015/1088 (most of them applicable only to ELA1 aircraft not used in commercial operations) to a larger aircraft category and other types of operations (as indicated in the Executive Summary):
 - the amendments introduced by the above-mentioned Regulation already provided an acceptable level of safety, as agreed on by the Member States during the comitology process;
 - the new categories of aircraft introduced in the scope of Part-ML are still of a low complexity for the purpose of maintenance and continuing-airworthiness management; and
 - the consequences for uninvolved third parties of an aircraft accident within the new scope are not expected to be very different from those of an ELA1 aircraft accident.
- Regarding the alleviations introduced in order to grant more privileges to pilots for the deferment of defects, they have been limited to aircraft operated under Part-NCO until experience is gained through implementation of the proposed changes.
- Regarding the alleviations introduced in order to grant privileges to independent certifying staff for airworthiness reviews and issue of the ARC, these staff still need to be authorised by the competent authority after demonstration of appropriate qualifications and performance of an airworthiness review under supervision. This will ensure an adequate level of safety.

2.4.2 Environmental impact

No environmental impact is anticipated.

2.4.3 Social and economic impact

The proposed changes aim to promote the growth of the lighter end of the GA community by:

- alleviating the requirements imposed on owners/operators of this aircraft category;
- facilitating the understanding and implementation of the rules both by stakeholders and competent authorities;
- granting more privileges to individuals, such as:
 - declaration of the AMP by the owner/operator for all aircraft within the scope of Part-ML when operated under Part-NCO (in Regulation (EU) 2015/1088, this was only possible for ELA1 aircraft not used in commercial operations);
 - performance of airworthiness reviews and issue of the ARC by independent certifying staff, limited to aircraft operated under Part-NCO; and
 - deferment of certain defects by the pilot;
- introducing a simplified organisation approval (Part-CAO) with combined privileges for maintenance and continuing-airworthiness management, and with no SMS requirements, significantly reducing the costs incurred by these organisations as well as the administrative burden;
- granting more privileges to maintenance organisations such as the performance of airworthiness reviews and the issue of the ARC for all aircraft and operations within the scope of Part-ML (in



Phase I of the Part-M GA Task Force, this was only possible for ELA1 aircraft not used in commercial operations); and

- granting privileges to CAMOs (and CAOs) so that they approve the AMP if they manage the continuing airworthiness of the aircraft.

These measures should reduce the cost of aircraft ownership, likely allowing an increase in the utilisation of aircraft, and promoting the business of manufacturers and approved organisations. Nevertheless, this reduction in the cost of ownership can only be fully achieved if Member States ensure that this increase of privileges for individuals is not impaired by an inadequate system of fees and charges.

On the other hand, the new privileges granted to individuals also produce some negative effects on certain sectors. For example:

- maintenance organisations would obtain more privileges related to airworthiness reviews to the detriment of CAMOs and competent authorities;
- independent certifying staff would obtain more privileges related to airworthiness reviews to the detriment of maintenance organisations, CAMOs and competent authorities; and
- pilots would obtain more privileges related to deferment of defects to the detriment of independent certifying staff and maintenance organisations.

The negative effect on maintenance organisations and CAMOs, both from the economic and employment point of view, is very difficult to quantify for the following reasons:

- the proposed alleviations should increase the level of activity in general due to an expected higher utilisation of aircraft; this will not only benefit owners/operator but also maintenance organisations and CAMOs;
- part of the airworthiness review activities performed by CAMOs will likely be performed by maintenance organisations and individuals; and
- part of the airworthiness review activities performed by maintenance organisations (they already had some transfer of activities from CAMOs) will likely be performed by individuals not working for an organisation.

Nevertheless, in order to mitigate this impact on approved organisations, a simplified organisation approval (Part-CAO) with combined privileges for maintenance and continuing-airworthiness management, and with no SMS requirements, has been introduced. This should significantly reduce the costs incurred by these organisations as well as the administrative burden, allowing them to offer their valuable services at a reduced cost, thus attracting more customers.

In addition, approved organisations still maintain certain unique privileges, such as managing the continuing airworthiness, maintaining and performing airworthiness reviews for aircraft not operated under Part-NCO, as well as extending the validity of existing airworthiness review certificates without performing an airworthiness review.

Regarding the effect on competent authorities, it will likely be considered by some of them as positive since they would rather prefer to focus their limited resources on more safety-critical activities, instead of performing airworthiness reviews of light aircraft. Other competent authorities will likely see the



impact as negative because of the loss of revenue although this could be compensated by the new activities they could perform.

2.4.4 GA and proportionality issues

The main purpose of this Opinion is to ensure safe and proportionate rules for the lighter end of the GA. This objective will be achieved by:

- alleviating the requirements imposed on owners/operators of this aircraft category;
- facilitating the understanding and implementation of the rules both by stakeholders and competent authorities;
- granting more privileges to individuals, such as:
 - declaration of the AMP by the owner/operator for all aircraft within the scope of Part-ML when operated under Part-NCO (in Regulation (EU) 2015/1088, this was only possible for ELA1 aircraft not used in commercial operations);
 - performance of airworthiness reviews and issue of the ARC by independent certifying staff, limited to aircraft operated under Part-NCO; and
 - deferment of certain defects by the pilot;
- introducing a simplified organisation approval (Part-CAO) with combined privileges for maintenance and continuing-airworthiness management, and with no SMS requirements, significantly reducing the costs incurred by these organisations as well as the administrative burden;
- granting more privileges to maintenance organisations such as the performance of airworthiness reviews and the issue of the ARC for all aircraft within the scope of Part-ML (in Phase I of the Part-M GA task force, this was only possible for ELA1 aircraft not used in commercial operations); and
- granting privileges to CAMOs (and CAOs) so that they approve the AMP if they manage the continuing airworthiness of the aircraft.

Please refer to the considerations mentioned in Section 2.4.3 above.

2.4.5 Impact on 'better regulation' and harmonisation

The proposed changes:

- take the opportunity to simplify the existing rules and introduce a 'smart regulation in line with EU requirements'⁹;
- do not have an impact on Member States' obligations towards ICAO; and
- do not affect existing bilateral agreements.

2.5. Overview of the proposed amendments

The amendments proposed through this Opinion have the support of the members of the Part-M GA Task Force, and are regarded as a very significant improvement compared to the current requirements.

⁹ http://ec.europa.eu/smart-regulation/index_en.htm



In addition, they have been generally agreed on by the competent authorities through the special P&M TAG meeting on 'Light Part-M' held on 12 November 2015.

The proposed amendments have been developed taking into account the limitations imposed by the Basic Regulation, such as:

- the need to have maintenance performed at an approved maintenance organisation;
- the need to have an organisation responsible for the continuing-airworthiness management in the case of commercial operations;
- the need to maintain the aircraft in accordance with an AMP; and
- the fact that only a limited number of balloons can be included in Annex II to the Basic Regulation, excluding them from the EU regulations.

Nevertheless, the proposed amendments attempt to reduce the impact of such requirements by, for example:

- introducing in Part-ML a 'default' AMP that could be applied, under certain conditions, in those cases where the owner/operator follows the data of the DAH without deviations from the maintenance recommendations so that there would not be a need to create an AMP document;
- allowing the declaration of the AMP by the owner/operator or its approval by a CAMO or CAO, without involvement of the competent authority;
- creating a very simple template for the AMP; and
- introducing a simplified organisation approval (Part-CAO) with combined privileges for maintenance and continuing-airworthiness management, and with no SMS requirements.

In addition, the Agency has decided to keep certain requirements in order to facilitate the transfer of aircraft between Member States, such as for example the requirement to have the airworthiness review documented in a standardised format (ARC). Nevertheless, the format of the ARC (Form 15c) has been significantly simplified in order to reduce the administrative burden.

Certainly, it could have been possible, as requested by some members of the Task Force, to eliminate the ARC and document the airworthiness review by adding a statement to the CRS issued for the 100-h/annual inspection. However, the Agency believes that this could potentially create problems when the documents are reviewed by the competent authority for the purpose of accepting the transfer of an aircraft from another Member State, for the following reasons:

- the CRS does not have a standardised format (sometimes, it is just a signature in the logbook, other times it is a separate document with no predefined format); and
- there could be cases where the 100-h/annual inspection is not performed together with an airworthiness review as, for instance, in the case of aircraft with high utilisation (more than 100 h per year).

All this could raise questions as to whether a particular CRS statement includes the airworthiness review or not.

As a consequence, the Agency has preferred to simplify the ARC as much as possible and introduce the possibility for persons and organisations performing the airworthiness review in combination with the



100-h/annual inspection to use the reverse side of the ARC in order to issue the M.L.A.801 CRS corresponding to the 100h/annual inspection.

The amendments to the Continuing-Airworthiness Regulation proposed in this Opinion, as well as to the associated AMC/GM presented in CRD 2015-08, are the following:

(a) New structure of the Continuing-Airworthiness Regulation

This Opinion proposes:

- **a new Annex Vb (Part-ML), also called ‘Light Part-M’ to the Continuing-Airworthiness Regulation**, applicable to the following aircraft when not listed in the AOC of an air carrier licensed under Regulation (EC) No 1008/2008 and not classified as complex motor-powered aircraft:
 - aeroplanes of 2 730 kg MTOM or less;
 - rotorcraft of 1 200 kg MTOM or less certified for a maximum of up to 4 occupants; and
 - other ELA2 aircraft;
- **a new Annex Vd (Part-CAO) to the Continuing-Airworthiness Regulation with a new simplified organisation approval (CAO)**, and with the following features:
 - applicable to other-than-complex motor-powered aircraft as long as they are not listed in the AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008;
 - with combined privileges for maintenance, continuing-airworthiness management, airworthiness reviews and permits to fly, similar to those of a combined Part-M, Subpart F and Subpart G organisation, but with more alleviated requirements; and
 - with no SMS requirements.

The introduction of this Part-CAO, in addition to facilitating the job of those organisations involved in GA, has the following advantages:

- it makes unnecessary the current Part-M, Subpart F approval, which will be removed from Part-M after a certain transition period (will be described further below); and
- it makes the CAMO approval only necessary for complex motor-powered aircraft and aircraft used by air carriers licensed under Regulation (EC) No 1008/2008, which allows the introduction of SMS requirements for CAMOs without affecting the GA community (they can also use the CAO approval with no SMS requirements).

In line with this, and in parallel to this Opinion, RMT.0251 is working on the introduction of the SMS requirements for CAMOs. However, in order to rationalise more the structure of the rules, this task will delete the CAMO requirements from Part-M and transfer them to **a new Annex Vc (Part-CAMO) to the Continuing-Airworthiness Regulation**, where the new SMS requirements will be introduced.



The aforementioned amendment will be introduced in a second Opinion to be issued in 2016/Q2, which will also contain all changes related to Part-M stemming from both Opinions.

As a summary, the proposed changes in the structure of the Continuing-Airworthiness Regulation are described in the tables below. In those tables, the following terms and acronyms are used:

- **CAT:** air carriers licensed under Regulation (EC) No 1008/2008;
- **CMPA:** complex motor-powered aircraft; and
- **light aircraft:**
 - aeroplanes of 2 730 kg MTOM or less which are not classified as complex motor-powered aircraft;
 - rotorcraft of 1 200 kg MTOM or less certified for a maximum of up to 4 occupants; and
 - other ELA2 aircraft.

CURRENT STRUCTURE (including the amending Regulation (EU) 2015/1536¹⁰, applicable as of 25 August 2016):

		Non-CAT		CAT	
		Non-CMPA	CMPA	Non-CMPA	CMPA
Part-M		Applicable			
	Subpart F	Applicable	N/a	N/a	N/a
	Subpart G (CAMO)	Applicable			
Part-145		Applicable			
Part-66		Applicable			
Part-147		Applicable			
Part-T (third-country aircraft dry-leased by EU AOC holders)		N/a	N/a	Applicable	Applicable

¹⁰ Commission Regulation (EU) 2015/1536 of 16 September 2015 amending Regulation (EU) No 1321/2014 as regards alignment of rules for continuing airworthiness with Regulation (EC) No 216/2008, critical maintenance tasks and aircraft continuing airworthiness monitoring (OJ L 241, 17.9.2015, p. 16)



PROPOSED STRUCTURE (as proposed by this Opinion and complemented by the opinion which will be issued in 2016/Q2 for RMT.0251 in relation to the SMS)

		Non-CAT		CAT	
		Non-CMPA	CMPA	Non-CMPA	CMPA
Part-M		Applicable only to non-light aircraft (light aircraft must follow Part-ML)	Applicable		
	Subpart F	May still be used for 2 years after the applicability date of the new Regulation	N/a	N/a	N/a
	Subpart G (CAMO)	Removed and transferred to Part-CAMO			
Part-145		Applicable			
Part-66		Applicable			
Part-147		Applicable			
Part-T (third-country aircraft dry-leased by EU AOC holders)		N/a	N/a	Applicable	Applicable
Part-ML		Applicable to light aircraft	N/a	N/a	N/a
Part-CAMO with SMS		Applicable			
Part-CAO without SMS		Applicable	N/a	N/a	N/a



(b) The privileges of each type of organisation approval and the way to convert existing approvals to new Part-CAMO and Part-CAO approvals

As mentioned before, the only organisation approvals that will remain in the future for maintenance and continuing-airworthiness management (after an adequate transition phase) will be Part-145, Part-CAMO and Part-CAO. The privileges of each type of approval are the following:

- Part-CAO approval
 - It has privileges for maintenance, continuing-airworthiness management, airworthiness reviews and permits to fly.
 - It is possible to apply for a Part-CAO approval with partial privileges.
 - This approval does not contain SMS requirements.
 - It can be used only for non-CMPA not used in CAT. Some of those aircraft are eligible to follow Part-ML and others must follow Part-M.
 - Existing CAMOs, as well as existing Part-M, Subpart F and Part-145 maintenance organisations, can apply to their authority (see Article 4 of the proposed new Regulation) for a Part-CAO approval (with limitations in order to keep their current privileges), and be granted a 2-year period to correct any findings (most of them will be linked with the need to revise the organisation's exposition). Once they obtain the new Part-CAO approval:
 - o They can maintain those limitations in the Part-CAO approval for an indefinite period of time if they do not want to remove them.
 - o They can still maintain the previous CAMO or Part-145 approval because those approvals are still mandatory for complex aircraft and CAT aircraft. The previous Subpart F approval is not needed anymore since the Part-CAO approval covers the same scope.
- Part-CAMO approval (will be proposed in the subsequent opinion, planned to be published in 2016/Q2 under RMT.0251)
 - It has privileges for continuing-airworthiness management, airworthiness reviews and permits to fly.
 - It will contain SMS requirements.
 - Existing Part-M, Subpart G organisations (CAMOs) do not need to apply for a Part-CAMO approval because the proposed new Regulation (Article 4) deems the existing Part-M, Subpart G approvals as having been issued in accordance with the new Part-CAMO. They will be granted a 2-year period to correct any findings (this includes not only those linked with the need to revise their exposition but also the need to meet the new SMS requirements).
 - It can be used for any aircraft. As a consequence, an existing CAMO does not need to apply for a Part-CAO approval unless they are interested in the combined privileges or alleviated requirements of this approval.



- Part-145 approval
 - No changes have been introduced.
 - It can be used for any aircraft. As a consequence, an existing Part-145 organisation does not need to apply for a Part-CAO approval unless they are interested in the combined privileges or alleviated requirements of this approval.

(c) Transition measures for Part-M, Subpart F and Subpart G organisations

As mentioned before, existing Part-M, Subpart F maintenance organisations can apply at any time for a Part-CAO approval. Nevertheless, in order to ensure a smooth transition, Article 4 of the proposed new Regulation provides for the following:

- Competent authorities can still issue Part-M, Subpart F approvals until one year after the applicability date of the proposed new Regulation.
- Existing Part-M, Subpart F approvals can be used until 2 years after the applicability date of the proposed new Regulation. After that date, they will not be valid any more, and it will be necessary to have either a Part-CAO or a Part-145 approval in order to perform maintenance.

Regarding existing Part-M, Subpart G organisations (CAMOs), no transition measures are needed because their approvals will be automatically deemed as having been issued in accordance with the new Part-CAMO.

(d) Proposal for a separate Part-ML (also referred to as ‘Light Part-M’)

A new Annex Vb (Part-ML) is proposed to be added to the Continuing-Airworthiness Regulation, including the following features:

- Part-ML is applicable to the following aircraft when not classified as complex motor-powered aircraft:
 - aeroplanes of 2 730 kg MTOM or less;
 - rotorcraft of 1 200 kg MTOM or less, certified for a maximum of up to 4 occupants; and
 - other ELA2 aircraft.

This applicability will be introduced in Article 3 of the proposed new Continuing-Airworthiness Regulation and in ML.1 of Annex Vb (Part-ML) thereto.

NOTE: the definition of ELA2 aircraft already includes all ELA1 aircraft.

- In terms of types of operations, Part-ML is applicable to all types of operations except for those aircraft listed in the AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008. Since sailplanes and balloons are excluded from that Regulation, this means that all of them will be covered by Part-ML.

Nevertheless, since 8(g) of Annex IV to the Basic Regulation imposes specific requirements for aircraft involved in commercial operations, similar specific requirements have been also introduced in Part-ML for this type of operations, in particular the obligation to



contract an organisation (CAMO or CAO) for the continuing-airworthiness management, and the obligation to perform maintenance in an approved organisation.

It is important to note here that in order to avoid discussions on the term 'commercial operations' (defined in the Basic Regulation), the Agency has decided not to use this term in Part-ML and has replaced it by a reference to Annex VII (Part-NCO) to Regulation (EU) No 965/2012¹¹. As a consequence, once the owner/operator has agreed under which rules the aircraft operates (Part-NCO or other than Part-NCO), this will determine the particular applicable requirements of Part-ML. Those requirements deriving from 8(g) of Annex IV to the Basic Regulation will not be applicable to aircraft operated under Part-NCO rules.

- Part-ML contains the continuing-airworthiness requirements for the affected aircraft, the obligations and responsibilities of owners/operators, and indicates which persons/organisations are entitled to perform maintenance, continuing-airworthiness management activities and airworthiness reviews. However, it does not contain requirements for approved organisations.

As an example, Part-ML states when there is an obligation to have maintenance performed at an approved maintenance organisation, or to contract an organisation for the continuing-airworthiness management of the aircraft as it is the case for aircraft not operated under Part-NCO. However, Part-ML does not contain the requirements to be met by those approved organisations.

- In order to keep Part-ML simple and easy to understand:
 - ML.1 introduces a number of definitions and acronyms, which allow the use of common terms such as CAMO, AMP, ARC, etc. within the regulatory text; and
 - there are no cross references to particular requirements of Part-M, other than the reference to EASA Form 1 of Appendix II.

(e) Applicability of Part-M or Part-ML, and transfer of aircraft from the Part-ML to the Part-M regime

Aircraft eligible for Part-ML have to follow Part-ML and the owner cannot choose to implement Part-M.

However, if the aircraft is used for mixed operations (CAT and non-CAT), it will have to follow Part-M. The determinant factor here is whether the aircraft is listed in an AOC of an air carrier licensed in accordance with Regulation (EC) No 1008/2008. If this is the case, no matter how often or how rarely the aircraft is used for CAT, the aircraft will have to follow Part-M.

This also allows the competent authority to know when the aircraft is moved to the Part-ML regime because the competent authority will have to remove first the aircraft from the AOC.

As regards the conditions which have to be met in order to transfer an aircraft from the Part-ML to the Part-M regime, these have been outlined in Article 3 of the proposed new Regulation as follows:

¹¹ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)



- the AMP has to be approved by the competent authority;
- any due maintenance required because of the new AMP must be performed; and
- an airworthiness review must be performed and an ARC issued in accordance with Part-M.

(f) Alleviations related to the AMP

Building upon the alleviations already introduced during Phase I of the Part-M GA Task Force, the following additional alleviations have been proposed:

- **Declaration of the AMP by the owner in those cases where the owner has not contracted a CAMO or CAO in order to manage the continuing airworthiness of the aircraft — applicable to all aircraft within the scope of Part-ML when operated under Part-NCO**

It is important to note that in this case, this is not an option but a requirement. It is not possible to have the AMP approved by the competent authority or by an organisation.

Under this requirement, the owner declares that this is the AMP for the particular aircraft and that they are fully responsible for its content and, in particular, for any deviations from the DAH's recommendations.

The Agency would like to note that the introduction of the MIP guarantees that even if the owner decides not to implement a significant number of the DAH's recommendations, they can never fall below the standards of the MIP.

Under this requirement, there is no obligation for the owner to send a copy of the declared AMP to the competent authority, although the competent authority can always request a copy thereof. However, if the annual review of the AMP (performed at the same time as the airworthiness review) shows deficiencies in the aircraft condition linked with deficiencies in the AMP, the owner shall amend the AMP accordingly.

- **Approval of the AMP by the CAMO or CAO which has been contracted in order to manage the continuing airworthiness of the aircraft — applicable to all aircraft and operations within the scope of Part-ML**

It is important to note that in this case, this is not an option but a requirement. It is not possible to have the AMP approved by the competent authority or declared by the owner when the owner has contracted an organisation (CAMO or CAO) in order to manage the continuing-airworthiness of the aircraft.

When approving the AMP, the contracted CAMO or CAO can introduce deviations from the DAH's recommendations (without falling below the standards of the MIP) as long as a record of the justifications has been kept, and a copy thereof has been provided to the owner.

- **Introduction of MIPs which may be used as a basis for the development of the AMP — applicable to all aircraft and operations subject to Part-ML, except for airships and rotorcraft due to the difficulty to establish common requirements for all of them**

The MIP have been introduced in order to:



- be used in those cases where there is no maintenance schedule available from the DAH, or where such information is very limited;
- be used by the owner as an option instead of the maintenance schedule recommended by the DAH; and
- ensure that when the AMP contains deviations from the DAH's recommendations, the AMP still complies with a minimum to ensure adequate safety (the MIP).

ML.A.302(d) contains the requirements for the MIP. In addition, specific tables for each one of the aircraft categories identified above will be provided in the related AMC.

This option is possible for any AMP developed under the requirements of ML.A.302(c), regardless of who has developed it (CAMO or owner).

It is important to note that the MIP is just the basis to create the AMP. However, the AMP has to be customised to the particular aircraft configuration and type of operation in accordance with ML.A.302(c)(5).

— **Introduction of a very simple template for the AMP — applicable to all aircraft and operations subject to Part-ML**

This template has been introduced in AMC ML.A.302 as an acceptable format for the AMP. It has been developed in line with a proposal made by the European Ballooning Federation (EBF). This template will be further refined by the Part-M GA Task Force before a Decision containing the related AMC/GM is adopted, which can be done only after the proposed new Regulation is adopted by the European Commission.

(g) Alleviations related to airworthiness reviews

Building upon the alleviations already introduced during Phase I of the Part-M GA Task Force, the following alleviations have been proposed:

— **Possibility for Part 145, Part-CAO or Part-M, Subpart F maintenance organisations to perform the airworthiness review and issue the corresponding ARC at the same time as they perform the 100-h/annual inspection contained in the AMP — applicable to all aircraft and operations subject to Part-ML**

Important aspects of this option (ref. ML.A.901(b)(3)) are the following:

- the maintenance organisation can perform the airworthiness review regardless of whether the AMP is based on the MIP or on DAH data, or whether the AMP was approved by the CAMO/CAO or declared by the owner;
- the airworthiness review has to be performed together with the 100-h/annual inspection contained in the AMP, and by the same person who conducted the 100-h/annual inspection; and
- the maintenance organisation must have appropriately qualified and authorised airworthiness review staff.



- **Possibility for independent certifying staff to perform the airworthiness review and issue the corresponding ARC at the same time as they perform the 100h/annual inspection contained in the AMP — applicable to all aircraft subject to Part-ML when operated under Part-NCO**

This option (ref. ML.A.901(b)(4)) is limited to aircraft operated under Part-NCO because according to ML.A.201(c)(2), when the aircraft is not operated under Part-NCO, it has to be maintained by approved maintenance organisations (this is a requirement contained in 8(g) of Annex IV to the Basic Regulation). As a consequence, when the aircraft is not operated under Part-NCO, it is not possible for independent certifying staff to perform the 100-h/annual inspection and they are not allowed to perform the airworthiness review.

In order to have this privilege, the independent certifying staff would need to have an authorisation from the competent authority of the Member State who issued the Part-66 licence (or an equivalent national qualification). This authorisation would be mutually recognised for aircraft registered in any Member State if based on a Part-66 licence. However, the authorisation would only be valid for aircraft registered in the relevant Member State if it is based on an equivalent national qualification.

Before issuing the authorisation, the competent authority must assess the knowledge of the person, and this person must satisfactorily perform an airworthiness review under the supervision of the competent authority. This authorisation has a validity of 5 years and can be renewed after complying again with the initial qualification requirements (assessment of the individual's competence and an airworthiness review performed by them under supervision of the competent authority).

(h) Alleviations related to the deferment of defects

ML.A.403 provides for the following:

- defects on non-required aircraft equipment may be deferred by the pilot;
- defects affecting required aircraft equipment may be deferred by the pilot using the MEL, if available — otherwise, they can only be deferred by certifying staff; and
- other defects (such as a missing rivet, a dent on the aircraft skin, etc.) may be deferred by the pilot with the agreement of the owner (or the contracted CAMO/CAO, if applicable) if the aircraft is operated under Part-NCO — otherwise, these defects can only be deferred by certifying staff.

(i) Guidance for TBO extensions (and other deviations from the DAH's recommendations)

AMC ML.A.302(c) introduces guidance to be considered when evaluating possible deviations from the DAH's recommendations. This guidance takes a risk-based approach, considering aspects such as the operation of the aircraft, the type of aircraft, the hours/years in service, compensating measures, maintenance regime, etc.

This information may be useful for CAMOs/CAOs when developing and approving AMPs. It may also be useful for the owner in order to take an informed decision before introducing deviations from the DAH's recommendations. Nevertheless, as allowed by ML.A.302(c)(7), and explained in



GM ML.A.302, when the owner issues a declaration for the AMP, they do not need to justify such deviations.

Done at Cologne, on 13 April 2016

Patrick Ky
Executive Director



3. References

3.1. 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)

3.2. Affected decisions

Executive Director Decision 2015/029/R of 17 December 2015 issuing acceptable means of compliance and guidance material to Part-M, Part-145, Part-66, and Part-147 of Regulation (EU) No 1321/2014 and repealing Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003 'AMC and GM to the Annexes to Regulation (EU) No 1321/2014 — Issue 2'

3.3. Reference documents

N/a

