



European Aviation Safety Agency – Rulemaking Directorate
Terms of Reference
 for a rulemaking task

CAMO AND PART-145 RESPONSIBILITIES
 RMT.0217 (M.029) AND RMT.0546 — ISSUE 1— 12/03/2013

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EC) No 2042/2003 ED Decision 2003/19/RM	Rulemaking lead	R4
		Concept paper	No
		Rulemaking group	Yes
		RIA type	Full
Affected stakeholders:	Maintenance organisations CAMOs Air operators	Technical consultation during NPA drafting	No
	Competent authorities (incl. EASA)	Publication date of the NPA	2015/Q1
Driver/origin:	Safety	Duration of NPA consultation	3 months
Reference:	Opinion No 06/2010	Review group	Yes
	AAIB Bulletin 9/2010, Safety Recommendation 2010-072	Focused consultation	Yes
		Publication date of the Opinion	2017/Q1
		Publication date of the Decision	2018/Q1



1. Issue and reasoning for regulatory change

During the years from 2006 to 2010, the Agency was involved in task 145.012 related to the issue of 'Part-145 Single and Multiple Release'. The objective of this task was to clarify the process of maintenance release to service as well as the responsibilities of contracted Part-145 organisations when performing and releasing maintenance. However, the scope of this task did not cover the responsibilities associated to the determination of the airworthiness of the aircraft.

The consultation performed during this task (NPA 2007-09 and CRD 2007-09), the comments received during the workshop held on 30 September 2010, and the discussions held between the Agency and the competent authorities during several Standardisation conferences showed to the Agency that there were still very different interpretations, as well as areas where the regulation may not be fully consistent or accurate in relation to Part-145 and CAMO responsibilities, as well as in relation to the accountability of the certifying staff when releasing maintenance. In addition, a certain number of comments showed that it was necessary to think at the problem not only from the Part-145 point of view but also from the CAMO point of view.

Furthermore, in 2010 the Agency became aware of the AAIB Bulletin 9/2010 (issued by the Air Accidents Investigation Branch, UK), related to a serious incident that took place on 12 January 2009 and involved a Boeing 737, registration G-EZJK. This incident happened following a process where the operator was handing back an aircraft which was previously on lease, and where the operator and its base maintenance provider had put in place various contracts with third-party companies to carry out and supervise any associated maintenance as discrete packages of work. Among other safety recommendations contained in this AAIB Bulletin, there was one (Safety Recommendation 2010-072) where it was recommended to the Agency to review the regulations and guidance in OPS1, Part-M, and Part-145 to ensure they adequately address complex, multi-tier, subcontract maintenance and operational arrangements. It further highlighted the need for assessment of the overall organisational structure, interfaces, procedures, roles, responsibilities, and qualifications/competency of key personnel across all subcontract levels.

All the above led the Agency to consider that the work performed under task 145.012 may be incomplete without addressing at the same time the issues related to the determination of the final airworthiness of the aircraft.

As a consequence, the Opinion No 06/2010 published by the Agency proposed the following:

- (a) Closing the task 145.012 without proposing any changes to the current regulations or AMC/GM at that stage.
- (b) In line with the Safety Recommendation 2010-072 issued by the AAIB, taking the benefit of the work performed during task 145.012 and starting the task M.029 in order to address simultaneously the responsibilities (and associated procedures) of CAMOs and Part-145 organisations for maintenance, coordination, aircraft release, and airworthiness determination.

2. Objectives

The specific objective of this rulemaking task is to mitigate the risks linked to a faulty assessment and coordination of the responsibilities of CAMOs and Part-145 organisations, especially in complex, multi-tier and subcontract maintenance, namely:

- (a) Responsibilities linked to the determination of the airworthiness of the aircraft, including the procedures and documentation needed to ensure its notification to the flight crew.



- (b) Responsibilities linked to the performance, coordination and release of maintenance.
- (c) Process followed for the release of maintenance.

All these areas should be subject to hazard identification and safety risk management in the CAMO and Part-145 organisations.

Note: This task only covers aircraft maintenance performed by Part-145 organisations (A-rating). However, it does not cover maintenance performed by B/C/D-rated Part-145 organisations, Subpart-F maintenance organisations and independent certifying staff because they are not typically subject to such complex maintenance arrangements.

3. Specific tasks and deliverables

3.1. Tasks

Review existing regulations and AMC/GM, taking into account the work already performed in previous task 145.012 and considering the changes proposed in the framework of rulemaking task MDM.055 'Embodiment of Safety Management System (SMS) requirements into Regulation (EC) 2042/2003'.

Develop RIA.

Draft new legal text and AMC/GM based on preferred option.

3.2. Deliverables

Publish NPA.

After review group and focused consultation, publish CRD and Opinion.

After adoption by the Commission, adopt ED Decision with AMC/GM.

Rules affected will be Part-M and Part-145.

3.3. Focused consultation

Focused consultation, prior to the NPA and during the review of comments to the NPA, may include:

- (a) meetings with stakeholders;
- (b) conferences; and
- (c) RAG/TAGs and SSCC consultations (written or meeting).

4. Profile and contribution of the rulemaking group

Profile of the rulemaking group and their members

- (a) The rulemaking group should include representatives from:
 - (1) Airlines;
 - (2) Line & Base Part-145 Maintenance Organisations;
 - (3) Continuing Airworthiness Management Organisations (CAMOs);
 - (4) Competent authorities; and
 - (5) EASA Standardisation.
- (b) Expertise and experience should cover:
 - (1) responsibilities of a CAMO in relation to contracting of maintenance, maintenance planning, maintenance coordination, and airworthiness determination;



- (2) responsibilities of Part-145 maintenance organisations and certifying staff in relation to the aircraft maintenance release; and
- (3) safety management principles.

5. Annex I: Reference documents

5.1. Affected regulations

Commission Regulation (EC) No 2042/2003, Annex I (Part-M) and Annex II (Part-145).

5.2. Affected decisions

ED Decision 2003/19/RM (in the areas related to Part-M and Part-145)

5.3. Reference documents

- (a) NPA 2007-09, CRD 2007-09, and Opinion No 06/2010 of the European Aviation Safety Agency.
- (b) AAIB Bulletin 9/2010, Safety Recommendation 2010-072.