



Terms of Reference

for a rulemaking task

Miscellaneous in Part-66

RMT.0255 (MDM.059) – ISSUE 1 – 14.7.2014

Applicability		Process map	
Affected regulations and decisions:	Regulation (EC) No 2042/2003, ED Decision 2003/19/RM	Rulemaking lead:	R4
Affected stakeholders:	Maintenance training organisations, maintenance organisations, certifying staff and support staff, competent authorities (incl. EASA)	Concept Paper:	No
Driver/origin:	Safety and proportionality	Rulemaking group:	No
Reference:	N/A	RIA type:	Light
		Technical consultation during NPA drafting:	TBD
		Publication date of the NPA:	2016/Q1
		Duration of NPA consultation:	3 months
		Review group:	TBD
		Focussed consultation:	Yes
		Publication date of the Opinion:	2017/Q1
		Publication date of the Decision:	2017/Q1

1. Issue and reasoning for regulatory change

Since the entry into force of Regulation (EC) No 2042/2003¹, Annex III (Part-66) has been amended several times. Each of the amendments brought numerous improvements, enhanced the rule and took Part-66 to a higher level of maturity. At the same time, the adoption of the new amendments induced several implementation challenges, most of them successively being solved.

However, currently there are still some open issues in the implementation of Part-66 being raised by competent authorities and stakeholders. These have been brought to the Agency's attention through different channels, such as the Agency's advisory bodies (RAG/TAG, SSCC), standardisation visits and meetings, external meetings with the aviation industry, etc. In addition, on a daily basis the Agency receives through its functional mailboxes a significant number of enquiries requesting clarification of the rules and raising issues connected with their implementation. Some of them cause standardisation problems or are related to safety.

Based on the above, the Agency has identified the most significant areas related to Part-66 which need improvements in order to meet the safety, standardisation and proportionality objectives. These areas are the subject of the rulemaking task RMT.0255 (MDM.059) and are explained below:

- *Type rating training for legacy aircraft* — Feedback received from the industry indicated that for certain Group 1 aircraft (ref.: 66.A.5) it is difficult, if not impossible, to find Part-147 organisations appropriately approved to provide the required type training (mainly due to the difficulties for such organisations to justify a business case). This is typically the case for out-of-production aircraft for which a low number of units are still in service (often called 'legacy aircraft').

In addition, the alternative option contained in 66.B.130 of having the type training courses directly approved by the competent authority does not seem to be an adequate solution, since the direct approval is only valid in order to endorse the type rating on licences issued by the same competent authority that approved the course. Taking into account the high number of aircraft types considered as 'legacy aircraft' and the fact that there are 32 competent authorities issuing Part-66 licences, this would imply the need for a significant number of direct approvals (most of them for a very low number of aircraft).

As a consequence, other options are going to be evaluated in this task.

- *Removal of limitations* — In the case of Part-66 licences with limitations obtained through conversion of national qualifications (66.A.70), where the intent of the applicant is to remove the limitations, the current rule (66.A.50(c)) requires the satisfactory completion of examination on those modules/subjects defined in the applicable conversion report. However, there are no requirements related to additional experience or type rating training/examination. This is particularly worrying from a safety point of view in the case of type ratings endorsed in the converted licence based on courses performed in the national system without covering all the aircraft systems.

¹ Commission Regulation (EC) No 2042/2003 of 20 October 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), as last amended by Commission Regulation (EU) No 593/2012 of 5 July 2012 (OJ L 176, 6.7.2012, p. 38).

In addition, and as confirmed during standardisation visits conducted and meetings organised by the Agency, there is a non-harmonised implementation of the rule on this subject. Certain competent authorities verify more than just basic knowledge as they consider this as essential in order to prevent safety problems, but thereby formally not complying with the current rule. This verification includes relevant practical experience, theoretical type knowledge and practical type training. Other competent authorities apply the rule strictly, requiring only the demonstration of basic knowledge. This generates standardisation issues.

- *Split basic knowledge examinations* — Currently, Part-66 Appendix II 'Basic Examination Standard' allows only the examination on Module 13 'Aircraft Aerodynamics, Structures and Systems' for Category B2 to be split into two examinations. Based on the feedback from Part-147 Approved Maintenance Training Organisations (AMTOs) and industry associations, there is a strong demand to allow some other basic knowledge modules to be split as well, in particular Modules 11A (Cat. A and B1), 11B (Cat. B1) and 12 (Cat. A and B1), since they are especially long.

The number of questions and the duration of the examination directly relate to the number of hours of the basic knowledge training and the complexity of the module. Due to the number of subjects and the content of the syllabus in Appendix I, the duration of training on some modules often exceeds one year. After such a long period, it may be difficult for the students to pass the examination in a single session.

- *On-the-Job Training* — The requirement for On-the-Job Training (OJT) for the first aircraft type rating to be endorsed in the licence (sub)category (in addition to the type training) was introduced by Regulation (EU) No 1149/2011².

As a means of compliance, the Agency Decision 2012/004/R³ extended the applicability of Part-66 Appendix II to AMC 'List of Tasks' to the performance of the OJT. This has raised certain implementation issues, since this list was originally intended only as a list of tasks to be performed during practical experience for aircraft eligible for type examinations. As a consequence, it is not fully adapted to the maintenance of large aircraft. Hence, the list of tasks should be modified or an additional list of tasks should be provided to match the OJT needs.

In addition, the Agency has received a lot of feedback from mechanics having difficulties to find a maintenance organisation appropriately approved for the maintenance of the aircraft type (corresponding to their type training), in order to perform OJT to endorse their first type rating. Considering that these mechanics should fulfil all the requirements for the application for a type rating endorsement within 3 years, many of them are not able to meet this requirement and would lose the opportunity to endorse their type training. As a consequence, other options are going to be evaluated in this task.

² Commission Regulation (EU) No 1149/2011 of 21 October 2011 amending 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 298, 16.11.2011, p. 1).

³ Decision 2012/004/R of the Executive Director of the Agency of 19 April 2012 amending the Annexes I, II, IV, V, VI, VII and VIII to Decision No 2003/19/RM of the Executive Director of the European Aviation Safety Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks 'Time limit for demonstrating compliance with knowledge and experience requirements', 'Privileges of B1 and B2 aircraft maintenance licences AND Type and group ratings AND Type rating training', and 'Aircraft maintenance licence for non-complex aircraft'.

- *Basic examination standard* — In the current Part-66 provisions related to the basic examination standard (Appendix II 'Basic Examination Standard' and 66.B.200 'Examination by the competent authority') there is a lack of consistency as regards the examination standards and a mismatch between certain requirements. In order to meet the safety and standardisation objectives, there is a need to align the standards and provide more clarity where appropriate.

2. Objectives

The main objective of the rulemaking task RMT.0255 (MDM.059) is to improve the level of safety, standardisation and proportionality by introducing new or amended provisions into Annex III (Part-66), and related AMC/GM, to Regulation (EC) No 2042/2003.

In particular, Part-66 and related AMC/GM should be reviewed and amended accordingly with regard to, but not limited to, the following issues:

- Explore and provide an acceptable solution for aircraft type training on certain Group 1 aircraft for which the approved Part-147 organisations do not (or rarely) provide the required type training, which typically is the case for out-of-production aircraft with a low number of units still in service, taking into account safety and proportionality principles.
- Evaluate the need for and propose appropriate provisions in Part-66 related to the removal of licence limitations from converted licences with regard to additional experience or type rating training/examination in order to address potential safety and standardisation problems.
- Propose a proportionate system of splitting the examinations on some basic training modules other than Module 13, taking due account of the amount of learning material, number of questions and duration of the examination.
- Provide an additional OJT 'List of Tasks' for large aircraft or, alternatively, adapt the current Part-66 AMC Appendix II 'List of Tasks' in order to match the OJT needs for large aircraft.
- Explore and provide additional options for mechanics endorsing their first aircraft type in the licence (sub)category to gain the required competence and experience.
- Align the provisions of Part-66 Appendix II 'Basic Examination Standard' with those contained in 66.B.200 in order to adjust the standards to the same level.
- Any other request for clarity on Part-66 should be dealt with and properly evaluated and an appropriate solution should be proposed.

3. Activities

During the development of the draft rules and the Regulatory Impact Assessment (RIA), the following activities will be considered:

- The safety issues will be identified with the objective to improve the level of safety by drafting new requirements or clarifying the current requirements in order to appropriately address the issues.
- Where lack of clarity is identified in the current rules, a review of the structure of the requirements will be performed with the objective to improve it.

- The issues related to standardisation will be reviewed with the objective to alleviate or to eliminate the issues wherever deemed necessary.
- The proportionality principles will be taken into account.
- In several phases of the rules drafting, focussed consultation with the experts from the industry and competent authorities will be conducted.
- The RIA will be published together with the Notice of Proposed Amendment (NPA).
- Public consultation will be conducted on the NPA, and the Comment-Response Document (CRD) will be published together with the Opinion.
- The Agency Decision will follow immediately after the adoption of the Opinion by the European Commission.

4. Deliverables

The deliverables will consist of:

- an Opinion for an amendment to Annex III to Regulation (EC) No 2042/2003;
- a Decision amending Decision 2003/19/RM⁴ of the Executive Director of the Agency on the Acceptable Means of Compliance and Guidance Material.

5. Interface issues (*optional*)

Close coordination with RMT.0251 (MDM.055) 'Embodiment of Safety Management System (SMS) requirements into Regulation (EC) No 2042/2003' will be ensured. This shall in particular be achieved by considering the outcome of the consultation on NPA 2013-19 as far as it relates to Part-66.

Close coordination with RMT.0281 (MDM.082) 'New training methods or new teaching technologies (Part-66/Part-147)' will be ensured as well. This shall in particular be achieved by considering the outcome of the consultation on the future NPA for the task RMT.0281 (MDM.082) as far as it relates to Part-66.

This rulemaking task will also consider the text resulting from the upcoming EASA Opinion on L and B2L licences once the final text is adopted by the European Commission for the amendment of Regulation (EC) No 2042/2003.

6. Focussed consultation

Due to the different subjects being dealt with, a single working group is not considered adequate. Instead, the Agency will perform focussed consultation on each of the subjects.

The focussed consultation may include:

- meetings with experts from the industry and competent authorities,
- technical workshops,
- conferences (including teleconferences),
- focussed consultation via CRT on key issues, and/or

⁴ Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

- RAG/TAGs and SSCC consultations (written consultation or dedicated meetings).

7. Annex I: Reference documents

7.1. Affected regulations

Commission Regulation (EC) No 2042/2003 of 20 October 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), as last amended by Commission Regulation (EU) No 593/2012 of 5 July 2012 (OJ L 176, 6.7.2012, p. 38)

7.2. Affected decisions

Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks