



Terms of Reference

for a rulemaking task

Airworthiness review process

RMT.0521 AND RMT.0522 — ISSUE 2 — 4.5.2015

Applicability		Process map
Affected regulations and decisions:	Commission Regulation (EC) No 1321/2014 and subsequent amendments; ED Decision 2003/19/RM and subsequent amendments	Rulemaking lead: FS.1.2 Rulemaking group: Yes RIA type: Light
Affected stakeholders:	Air operators/aircraft owners; Continuing Airworthiness Management Organisations (CAMOs); maintenance organisations; airworthiness review staff; competent authorities	Technical consultation during NPA drafting: No Publication date of the NPA: 2015/Q4 Duration of NPA consultation: 3 months Review group: Yes
Driver/origin: Reference:	Legal obligation Article 24(3) of Regulation (EC) No 216/2008	Focussed consultation: Tbd Publication date of the Opinion: 2017/Q1 Publication date of the Decision: Once the Opinion is adopted by the Commission



1. Issue and reasoning for regulatory change

Since 28 September 2008, the Certificate of Airworthiness (CofA) is issued for an unlimited duration (Commission Regulation (EU) No 748/2012¹). To ensure its validity, since that date for aircraft involved in commercial air transport, and since 28 September 2009 for other aircraft, the aircraft and its continuing airworthiness records must be reviewed and an Airworthiness Review Certificate (ARC) be issued in accordance with Commission Regulation (EC) No 2042/2003², as amended by Commission Regulation (EC) No 1056/2008³ of 27 October 2008. This process, i.e. the airworthiness review, introduced significant changes to former national requirements, among others a new role for the competent authorities, new privileges for the organisations holding a Part-M Subpart-G approval, specific requirements for personnel involved in the airworthiness review, description of the process itself, and an ARC.

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

The feedback received shows a lack of clarity in the current requirements/guidance, which may lead to an inadequate airworthiness review and an improper assessment of the airworthiness status of the aircraft. This may have safety consequences in those cases where the actual airworthiness status of the aircraft is below the standard and it is not identified.

The present rulemaking task RMT.0521 & RMT.0522, Issue 2, considers the issuing of the CofA at the transfer. This topic is transferred from the RMT.0278 rulemaking task 'Importing of aircraft from other regulatory system, and Part-21 Subpart-H review' because the process is closer to the transfer of an aircraft between Member States, which is already part of this rulemaking activity.

2. Objectives

The objectives of the European Union in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008. This proposal will contribute to these objectives by addressing the issues outlined in Section 1.

The specific objective of this proposal is to mitigate the risks linked to a faulty airworthiness review, with potential safety consequences where the actual airworthiness status of the aircraft is below the standard and not identified, by:

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

¹ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

² 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 (OJ L 315, 28.11.2003, p. 1).

³ Commission Regulation (EC) No 1056/2008 of 27 October 2008 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 283, 28.10.2008, p. 5).



In order to achieve the objective of ensuring proportionate and cost-efficient rules for General Aviation while maintaining an acceptable level of safety, the Agency shall ensure coordination with the RMT.0463 and RMT.0547 Task Force for the review of Part-M for General Aviation.

3. Specific tasks and deliverables

3.1. Tasks

- Develop RIA.
- Draft new legal text and AMC/GM based on the preferred option.
- During the development of the RIA and the draft rule text, the following aspects will be considered:
 - Review existing regulations and AMC/GM.
 - Structure of the requirements.
 - Need for and definition of controlled environment (M.A.901(b)).
 - Recommendations (as an intermediate step before the authority issues the ARC) (M.A.901(d)(ii)).
 - Performance of a supervised airworthiness review before granting an authorisation for the airworthiness review staff (M.A.707(b)).
 - Independence from the airworthiness review process and from the maintenance release of the aircraft (AMC M.A.707(a)).
 - Inconclusive airworthiness review (M.A.710(h)).
 - Sampling of documents during the airworthiness review (AMC M.A.710(a)).
 - Content of the review (M.A.710).
 - Open findings when issuing an ARC.
 - Control of the airworthiness review process and prospective effects if more than one person is involved, including staff entitled to perform the airworthiness review and staff entitled to sign the ARC.
 - Validity period of an ARC. Issue of an ARC by the NAA valid for less than one year.
 - Validity of an ARC and prospective actions to be taken when transferring an aircraft between Member States (NAAs transfer requirements).
 - CofA issue at the time of transfer between Member States.
 - NAA record-keeping requirements.

Note: This list is not exhaustive.

3.2. Deliverables

- Publish a Notice of Proposed Amendment (NPA).
- After Review Group and focussed consultation (if done), publish the related Comment-Response Document (CRD) and the Opinion.
- After adoption by the Commission, adopt ED Decision with the AMC/GM material.



3.3. Focussed consultation

Focussed consultation during review of comments may include:

- Technical workshops,
- RAG/TAGs and SSCC consultations (written or meetings),
- Review Group.

4. Profile and contribution of the rulemaking group

The rulemaking group will work on the full scope of the tasks of Section 3.1. The Agency estimates six meetings before issuing the NPA.

Profile of the potential rulemaking group and its members:

- Competent authorities,
- Continuing Airworthiness Management Organisations (CAMOs).

The expertise and experience must cover the performance of the airworthiness review, assessment of a recommendation, and issue of an ARC, including audits of the mentioned aspects.

5. Annex I: Reference documents

5.1. Affected regulations

Commission Regulation (EC) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1), including subsequent amendments

5.2. 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, including subsequent amendments

5.3. Reference documents

Not applicable.

