

OPINION No 3/2005

OF THE EUROPEAN AVIATION SAFETY AGENCY

for amending Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances and on the approval of organisations and personnel involved in these tasks, to add paragraph 66.A.55 in its Annex III.

I. General

1. The purpose of this Opinion is to suggest the Commission to insert a new paragraph 66.A.55 in Annex III (Part-66) to the Commission Regulation (EC) No 2042/2003¹ so as to allow competent authorities, contracting aircraft owners or approved organisations to verify that a person certifying maintenance is in fact holder of the proper licence.
2. This Opinion has been adopted, following the procedure² specified by the Agency's Management Board, in accordance with the provisions of Article 14 of the EASA Regulation³.

II. Consultation

3. The draft Opinion for a Commission Regulation amending Commission Regulation (EC) No 2042/2003 was published on the Agency website (www.easa.eu.int) on 29 July 2004 (NPA No 4/2004).
4. By the closing date of 29 October 2004, the Agency had received 11 comments from 6 national authorities or private companies.
5. All comments received have been acknowledged and incorporated into a Comment Response Document (CRD). This CRD contains a list of all persons and/or organisations that have provided comments. It is widely available through the Agency website.

III. Content of the Opinion of the Agency

6. The proposed new paragraph 66.A.55 stipulates that personnel exercising certification privileges must be able to produce their licence as evidence of qualification if requested by an authorised person within 24 hours. The intent of this paragraph is to allow competent authorities, contracting aircraft owners or approved organisations to verify that a person certifying maintenance is in fact holder of the proper licence. This paragraph comes directly from JAR 66.55. However, this paragraph disappeared by accident from the final text during the final review process.
7. During the consultation on the draft Part-66 the Agency was made aware of this error and agreed to correct it. Therefore it is now proposed to make the necessary correction. The proposed change is to add paragraph 66.A.55 as follows:

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

² Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of Opinions, Certifications Specifications and Guidance Material. EASA MB/7/03 of 27.06.2003.

³ Regulation (EC) No 1592/2002 of the European Parliament and of the Council. OJ L 240, 7.9.2002.

“66.A.55 Evidence of qualification

Personnel exercising certification privileges must be able to produce their licence as evidence of qualification if requested by an authorised person within 24 hours.”

IV. Regulatory Impact Assessment.

8. The proposal is expected to have no impact as it will reinstate an existing requirement that was forgotten in the transfer into EASA of JAR 66.

Cologne, 8 March 2005

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