

NOTICE OF PROPOSED AMENDMENT (NPA) No. 01/2005

DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE AGENCY,

**amending Decision No 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 on the continuing airworthiness of
aircraft and aeronautical products, parts and appliances, and on the approval of
organisations and personnel involved in these tasks**

Explanatory Note

I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to propose an amendment to Annex IV Acceptable Means of Compliance (AMC) to Part-66 to Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003.¹ The reasons for this rulemaking activity are outlined further below.
2. The text of this NPA is developed by the Agency. It is submitted for consultation of all interested parties in accordance with Article 43 of the Basic Regulation and Articles 5(3) and 6 of the EASA rulemaking procedure.²
3. This rulemaking activity is included in the Agency's rulemaking programme for 2004. It implements the rulemaking task 66.003 AMC Appendix I.

II. Consultation

4. To achieve optimal consultation, the Agency is publishing the draft decision on its internet site. Comments should be provided within 3 months in accordance with Article 6(4) of the EASA rulemaking procedure.
Comments on this proposal may be forwarded (*preferably by e-mail*), using the attached comment form, to:

By e-mail: **NPA@easa.eu.int**

By correspondence: Inge van Opzeeland
 Rulemaking Directorate
 EASA
 Postfach 10 12 53
 D-50452 Köln
 Germany
 Fax: +49(221) 89990 5508

Comments should be received by the Agency before 10-04-2005. If received after this deadline they might not be treated. Comments may not be considered if the form provided for this purpose is not used.

¹ Decision No 2003/19/RM of the Executive Director of the Agency of 28.11.2003 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.

² Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ("rulemaking procedure"), EASA MB/7/03, 27.6.2003.

III. Comment response document

5. All comments received in time will be responded to and incorporated in a Comment Response Document (CRD). This may contain a list of all persons and/or organisations that have provided comments. The CRD will be widely available ultimately before the Agency adopts its final decision.

IV. Content of the draft decision

6. The objective of Appendix I to AMC-66, Aircraft type ratings for Part-66 aircraft maintenance licence, is to use the listed aircraft type ratings (aircraft / engine combinations) to ensure a common standard throughout Member States. This requires the Appendix being amended frequently and quickly to keep it up to date.
7. The existing EASA rulemaking procedure adopted after Part-66 and its AMC, does not allow for these frequent and quick amendments to an AMC. According to the EASA rulemaking procedure it would take nine and a half months to amend an AMC. This would include NPA drafting, consultation, review of comments and adoption. In practice, Appendix I to AMC-66 would never be current even before its publication by the Agency.
8. The Agency has therefore come to the conclusion that a different process needs to be implemented. To do so, it proposes to replace the existing text in Part-66 AMC Appendix I by a reference to a list on the EASA website. This would allow for the list to no longer be part of the AMC. The benefit is obviously that it could be kept up to date more frequently through a much lighter process. The list should be seen as "for information purposes only" from a legal point of view. It is clearly not part of rule material to which the EASA rulemaking procedure would apply. The objective of the list will still be to permit a certain standardisation throughout Member States.
9. The method described above implies the introduction of a notification procedure in order to inform the Agency of any proposed changes. This procedure should be published on the website together with the list. It suggests that Member States notify the Agency as soon as possible of any aircraft type ratings not included in the list and that the Agency amend the list.

V. Regulatory Impact Assessment

10. The proposed change transfers existing AMC material from the rule material into a list on the website. By doing so the EASA rulemaking procedure will no longer apply for this list. Advantage will be an easier and faster update of the list. This proposed amendment aligns the management of this list with the procedure which was initially intended when introducing the list into the AMC material. The list contributes to

standardisation throughout the European Community thus facilitating the recognition of licences.

Draft

DECISION No .../.../RM

OF THE EXECUTIVE DIRECTOR OF THE AGENCY

of [...]

amending Decision No 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 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹ (hereinafter referred to as the “Agency”), and in particular Articles 13 and 14 thereof.

Having regard to the Commission Regulation (EC) No 2042/2003 of 28 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.²

Whereas:

- (1) Part-66 AMC Appendix I Aircraft type ratings for Part-66 aircraft maintenance licence is required to be up to date to serve as reference for the national aviation authorities.
- (2) To achieve this requirement the text of Part-66 AMC Appendix I should be transferred to an informal list on the website where its currency can be ensured while not part of the AMC and therefore not linked to the EASA rulemaking procedure.
- (2) The Agency should issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of the Basic Regulation and its implementing rules.
- (3) The Agency has, pursuant to Article 43 of the Basic Regulation, consulted widely interested parties on the matters which are subject to this Decision and following that consultation provided a written response to the comments received.

¹ OJ L 240, 7.9.2002, p. 1.

² OJ L 315, 28.11.2003, p. 1.

HAS DECIDED:

Article 1

In Annex IV to Decision No 2003/19/RM the Appendix I “Aircraft type ratings for Part-66 aircraft maintenance licence” is replaced by the following:

**“APPENDIX I
AIRCRAFT TYPE RATINGS
FOR PART-66 AIRCRAFT MAINTENANCE LICENCE**

It is an Agency concern to ensure a common aircraft type rating standard throughout the Member States.

The Agency has published a list of aircraft type ratings on its website www.easa.eu.int.

The denomination of aircraft type ratings put on a licence should be those included in the list. If a Member State were to use other denominations, due for instance to the arrival of a new aircraft type, the Agency should be notified about proposed changes as soon as possible, preferably by e-mail to NPA@easa.eu.int. After receiving a change request the Agency will analyse the proposal and update the list accordingly.”