

NOTICE OF PROPOSED AMENDMENT (NPA) No 2007-04

**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 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**

“Re-issuance of the Part-66 Aircraft Maintenance Licence”

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A EXPLANATORY NOTE

I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to envisage amending Decision 2003/19/RM of the Executive Director of 28 November 2003¹ to develop AMC/GM material to paragraphs 66.A.20, 66.B.500 and 66.B.120 of Commission Regulation (EC) No 2042/2003. The scope of this rulemaking activity is outlined in Terms or Reference 66.008 and is described in more detail below.
2. The European Aviation Safety Agency (“Agency”) is directly involved in the rule-shaping process. It assists the Commission in its executive tasks by preparing draft regulations, and amendments thereof, for the implementation of the Basic Regulation² which are adopted as “Opinions” (Article 14.1). It also adopts Certification Specifications, including Airworthiness Codes and Acceptable Means of Compliance and Guidance Material to be used in the certification process (Article 14.2).
3. When developing rules, the Agency is bound to following a structured process as required by article 43.1 of the Basic Regulation. Such process has been adopted by the Agency’s Management Board and is referred to as “The Rulemaking Procedure”³.
4. This rulemaking activity is included in the Agency’s rulemaking programme for 2007. It implements the rulemaking task 66.008, which Terms or Reference are: “Re-issuance of the Part-66 aircraft maintenance licence”.
5. The text of this NPA has been 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.

II. Consultation

6. To achieve optimal consultation, the Agency is publishing the draft Decision of the Executive Director 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 should be submitted by one of the following methods:

CRT (New!): Send your comments using the Comment-Response Tool (CRT) available at <http://hub.easa.europa.eu/crt/>

E-mail: Send a Comment Form in MS Word format to NPA@easa.europa.eu. The form is available on the EASA Rulemaking NPA web page.

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 Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, *OJ L 240, 7.9.2002, p.1*. Regulation as last amended by Regulation (EC) No 334/2007 (*OJ L 88, 29.3.2007, p. 39*).

³ Management Board decision 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.

Correspondence: If you do not have access to internet or e-mail you can send your comment by mail to:
Process Support Unit
Rulemaking Directorate
EASA
Postfach 10 12 53
D-50452 Cologne
Germany

Comments should be received by the Agency before 03-08-2007. 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.

III. Comment response document

7. 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 on the Agency's website.

IV. Content of the draft decision

Part-66 currently requires the licence to be reissued every 5 years without any compliance verification. Some National Aviation Authorities criticise that this should be revised to allow more controls by the competent authority of the actual compliance of the holder with licencing and type rating requirements.

While considering this issue, the Regulatory Impact Assessment drove the study to another direction than the introduction of requirements during the re-issuance of maintenance licences. Instead of the compliance verification at licence renewal, this NPA intends to clarify and improve awareness of certifying staff responsibilities with regard to continued validity of privileges as well as clarifying that the competent authority has the possibility to require the licence holder for documentary evidence of compliance of the licence to Part-66, in order to verify the conditions established in 66.B.500.

Therefore the content of the draft decision includes the following changes:

- AMC to 66.A.20 (b) 2 is modified to clarify what is the meaning of maintenance experience;
- AMC 66.B.500 is added to precise the competent authority's possibility for verifying the compliance of the licence to Part-66; and
- GM 66.B.120 is modified to include subpart F organisations.

V. Regulatory Impact Assessment

The Regulatory Impact Assessment is attached in Appendix I.

B DRAFT DECISION

The text of the amendment is arranged to show deleted text, new text or new paragraph as shown below:

1. remaining text is unchanged,
2. deleted text is shown with a strike through: ~~deleted~~
3. new text is highlighted with grey shading: **new**
4.
Indicates that remaining text is unchanged in front of or following the reflected amendment.

I. Amendments to AMC 66.A.20 (b) 2

AMC 66.A.20 (b) 2 Privileges

~~The required 6 month experience should be on aircraft structure, powerplant and systems as appropriate to the category or subcategory and relevant to the type or group rating held.~~

~~Experience should be supported by documentary evidence.~~

The 6 months maintenance experience in 2 years should be understood as consisting of two elements, duration and nature of the experience. The minimum to meet the requirements for these elements may vary depending on the size and complexity of aircraft, type of operation and maintenance.

1. Duration:

Within approved maintenance organisations:

- 6 months continuous employment within the same organisation in one block period; or
- 6 months employment within the same organisation split into different blocks; or
- 100 individual days of experience accumulated in different organisations.

Outside approved organisations

- 100 days working as certifying staff according to M.A.801(b)2;
- The number of days may be reduced by up to 50% in certain circumstances, when agreed in advance by the authority.

2. Nature of the experience:

Depending on the category of the aircraft maintenance licence, the following activities are considered relevant for maintenance experience:

- Servicing;
- Inspection;
- Operational and functional testing;
- Trouble-shooting;
- Repairing;
- Modifying;
- Changing component;
- Supervising these activities;
- Releasing aircraft to service.

For category A certifying staff, the experience should include exercising the privileges, by means of representative tasks, on at least one of the aircraft types endorsed on the authorisation.

For category B1 and B2, the experience should include exercising the privileges, by means of representative activities.

For every aircraft type included in the authorisation, experience should be shown on at least one comparable aircraft within the same sub-category. Aircraft are comparable if the following items are comparable:

- a) Propulsion (e.g. turboprop/turbofan/turboshaft/jetengine/pushpropeller);
- b) Engine (e.g. Fadec/non-Fadec/Wankel/diesel);
- c) Flight controls (e.g. mechanical controls, hydraulically powered controls, electrically powered controls);
- d) Avionics (e.g. analog/digital);
- e) Material (e.g. aluminium/ composite/ combinations/ wood);
- f) Construction (e.g. bonding/ riveting/ welding).

For category C, the experience should include exercising the privileges held on at least one of the aircraft types endorsed on the authorisation.

For a combination of categories, the experience should include some activities of the nature shown in paragraph 2 in each category.

A maximum of 20% of the experience duration required may be replaced by the following relevant activities on a comparable aircraft:

- Aircraft maintenance related training as an instructor/assessor or a student;
- Maintenance technical support/engineering;
- Maintenance management/planning.

The experience should be documented in an individual log book or as database records kept by the approved maintenance organisation. The level of detail should include the following as appropriate:

- a) Date;
- b) Aircraft type;
- c) Aircraft identification i.e. registration;
- d) ATA chapter (optional);
- e) Operation performed i.e. 100 FH check, MLG wheel change, engine oil check and complement, SB embodiment, trouble shooting, structural repair, STC embodiment...;
- f) Type of maintenance i.e. base, line;
- g) Type of activity i.e. perform, supervise, release;
- h) Category used A, B1, B2 or C.

Remark: as per article 5 of regulation 2042/2003, this experience requirement does not apply to:

- Certifying staff issuing a certificate of release of aircraft as per M.A.607(b);
- Pilot-owner certifying tasks according to M.A.803; and
- Certifying staff outside of the EU as provided for by 145.A30(j) and Appendix IV of Part-145.

II. New AMC 66.B.500

AMC 66.B.500 Revocation, suspension or limitation of the aircraft maintenance licence.

The competent authority may require the licence holder for documentary evidence of compliance of the licence to Part-66, such as the experience requirements mentioned in 66.A.20(b). The purpose is to verify that the licence holder has been in compliance with the continued validity requirements for the privileges he has been exercising.

III. Amendments to GM 66.B.120

GM 66.B.120

The competent authority will not be carrying out any investigation to ensure that the licence holder is in current maintenance practice as this is not a condition for the renewal of a licence but a matter for the approved maintenance organisation approved under Part-145 in ensuring validity of the Part-145 certification authorisation (145.A.35(c) and M.A.607(a)1).

APPENDICES

APPENDIX I. REGULATORY IMPACT ASSESSMENT

Re-issuance of the aircraft maintenance licence

Headings	Sub Headings and Content Guidance
a. Purpose and intended effect	<p>Issue and Objective</p> <p><u>i. Issue which the NPA is intended to address:</u> Part-66 only requires the licence to be reissued every 5 years without any controls. Some NAAs criticise that this should be reviewed to allow more controls by the competent authority of the actual compliance of the holder with licencing and type rating requirements.</p> <p><u>ii. Scale of the issue (quantified if possible):</u> Major issue: concerns approximately 100 000 certifying staff in the EU, National Aviation Authorities.</p> <p><u>iii. Relevant decisions by EASA or other authorities that guide/constrain action:</u> Comes from CRD on Regulation (EC) No 2042/2003 (Guide).</p> <p><u>iv. Brief statement of the objectives of the NPA – such as a safety improvement:</u> Improved awareness of certifying staff responsibilities with regard to continued validity of privileges; clarification of maintenance experience; instructions for the authority with regard to revocation, suspension or limitation of the licence; inclusion of subpart F organisations in GM 66.B.120.</p> <p><u>v. Who and/or what is affected:</u> Certifying staff and National Aviation Authorities</p>
b. Options	<p><u>i. The options identified and evaluated</u></p> <p>The subject, re-issuance of aircraft maintenance licences every five years without any controls, originates from the JAA Top 10 issues. Some NAAs asked for reviewing these provisions to allow more controls by the competent authority of the actual compliance of the holder with licencing and type rating requirements.</p> <p>A working group was tasked to review the applicable provisions in Regulation (EC) No 2042/2003 and to carry out a Regulatory Impact Assessment. At the end the group should either propose an amendment to the regulation or submit a report why a change to the regulation is thought not to be necessary.</p> <p>Having considered the issue outlined above, the Agency agreed with the group in identifying that there are certifying staff working in approved organisations and others working as independent certifiers (M.A.801b2) and that all needed to be treated equally and fairly.</p> <p>The Agency supported the view of the group in identifying that different criteria could be used if controls were to be introduced. Of these criteria, AML, experience, continuation training, health etc., recent experience was the only practicable element.</p>

OPTIONS:

1. Do nothing or minor change1.a) Do nothing.

1.b) Same licence that in Part-66 except that the rule would be more precise on continuous experience requirement, the format of the licence, additional statement on form 19 application and renewal form. AMC to require company records of certification or log-book to be kept.

2. Add certain oversight activities:a.1) Licence valid for 2 years - Authorisation issued by NAA:

The licence has an additional column to show an authorisation, which is revalidated every 2 years based on experience requirements demonstrated by the licence holder. For licence holders working under organisations, the issue and revalidation of the authorisation would be made by the organisation, in accordance with Part-145 or Part-M. For licence holders working independently, the authorisation would be issued and revalidated by the NAA. In any case, the revalidation of the authorisation would be based on verification of the licence holder's compliance with the recency of experience requirements of 66.A.20 (b) (2). This verification would be made on the basis of a documented record of experience.

a.2) Licence valid for 2 years - Two year authorisation by third party:

To revalidate authorisation based on experience requirements every two years by third party. The same as option above, only the revalidation would be made by third parties, authorised by the NAA to do so.

b.1) Two year type rating/licence by NAA:

To revalidate rating based on experience requirements every two years by NAA. The authority would revalidate the type ratings/licence based on verification of the licence holder's compliance with the recency of experience requirements of 66.A.20 (b) (2). This verification would be made on the basis of a documented record of experience.

b.2) Two year type rating/licence by third party:

To revalidate type rating based on experience requirements every two years by third party. The same as option above, only the revalidation would be made by third parties, authorised by the NAA to do so.

c) Five year revalidation of type rating by NAA:

Basic licence unlimited, but type ratings revalidated by NAA every 5 years based on verification of the licence holder's compliance with the recency of experience requirements of 66.A.20 (b) (2). This verification would be made on the basis of a documented record of experience to be submitted with each application. Non compliance would remove the type rating.

d) Five year review of licence and experience, checked by the NAA:

The basic licence and type ratings would have an unlimited validity, but would have to be checked by the authority every 5 years to verify if the licence holder

complies with the recency requirements of 66.A.20 (b) (2). If the NAA decides to check the experience, this would be made on the basis of a documented record of experience. Non-compliance with the recency of experience requirements would not invalidate the licence, but would curtail the associated privileges. The applicant could be informed of such situation by the NAA, or could lead to revocation (stop the validity) of the type rating on the licence.

e) Licence checked by audit:

Same licence as today, but to check experience requirements through a random sample audit system by the NAA (2 to 10% of 801(b)(2) individuals per year):

The NAA would put in place an audit programme that would allow it to check if the recency of experience requirements of 66.A.20 (b) (2) is complied with by the licence holders.

f) Licence checked at ARC renewal:

Same licence as today, but to check experience requirements at the ARC review by the CAMO or the NAA (yearly review when not in controlled environment):

No change would be made to the licence, and no additional controls would be exercised by the NAA. But, when issuing an ARC for an aircraft, the CAMO would have to check if all the licence holders that had issued releases to service for that aircraft were in compliance with the recency of experience requirements of 66.A.20 (b) (2). This check would be made on the basis of a documented record of experience.

3. Indefinite licence: This licence is subject to no administrative control.

4. To withdraw certifying privileges to all the licence holders that don't work under an organisation:

Since AML holders that work in a Part-145 or Part-M organisation have their recency of experience controlled by the organisation, they represent no safety problem, and there is no need for further controls for them. The issue is more difficult to control when considering the AML holders that work independently, so withdrawing their privileges would be a solution.

ii. Equity and fairness issues identified:

None

iii. If possible the preferred option selected:

None

	<p><u>Decisions leading to cancellation of options:</u></p> <p>Before starting the RIA the Agency agreed with the group in taking some decisions to cancel at this stage some of the options, these are shown here below with the associated reasons linked to such decisions.</p> <p>The Agency agreed in deciding not to retain options 2a1, 2a2, 2b1 and 2b2 due to the increased workload and burden put on the authority to reissue all licences and administer the additional authorisations. In addition the 2 year period does not provide 100% guarantee of experience recency. (JAA CRD to JAR 66 dates 5 November 1997).</p> <p>The Agency shares the concern of the group over the potential impact its decision could have on the development of the new licence suggested in MDM.032 in relation to the authorisation of independent certifying staff M.A.801(b)2.</p> <p>The Agency agreed in deciding that option 2e should not be retained because there is already a requirement within ICAO for NAA surveyors to monitor independent maintenance activity. In addition, it would increase the administrative burden, particularly in trying to identify independent certifying staff.</p> <p>The Agency agreed in deciding that option 2f should not be retained because of the increased time required to undertake the additional licence verification during the ARC renewal process. In addition, the amount of paperwork that would need to be provided by the independent certifier to the CAMO, and the potential duplication of work when reviewing subsequent aircraft's records.</p> <p>The Agency agreed with the group in deciding not to keep option 3 of unlimited licence as it was felt that a periodic check of the licence would allow incorporation of changes, update of personnel details, and the opportunity to correct the inaccuracy of an immature system and enhance safety by limiting irregularities.</p> <p>The Agency supports the view of the group in deciding not to retain option 4, as this would have a serious impact on general aviation.</p> <p>The possibilities of combining the options have also been considered, and came to the following conclusion:</p> <ul style="list-style-type: none"> - combining option 4 with any other option has been discounted because option 4 is considered to be unfair and unequal; - option 2 and 3 are mutually exclusive; - combining 1b with other options will improve the options but not sufficient to overcome the previously identified negative impacts.
<p>c.Impacts</p>	<p>i. Sectors affected</p> <p>The sectors of the EC regulated civil aviation community which will be affected and the number of organisations/ individuals/ aircraft affected:</p> <ul style="list-style-type: none"> - certifying staff and National Aviation Authorities. <p>ii. All impacts identified</p> <p>The safety impact and all the other possible impacts that may result from implementing the NPA, addressing, but not limited to, the following considerations:</p>

A. Safety

Increasing the oversight on licence holders could decrease the burden on industry while maintaining the same level of safety.

1a) Do nothing:

No impact.

1b) Same as Part-66 with more precision:

May have small positive impact due to emphasis on experience requirements, would be a proactive action. Log-book or equivalent data required.

2c) Five year revalidation of type rating by NAA:

May have very small positive impact as the maximum time without experience is reduced to 5 years but would be a reactive action

2d) Five year review of licence and experience, checked by the NAA

May have very small positive impact as the maximum time without experience is reduced to 5 years but would be a reactive action. There is a negative impact as holders could ignore the letter sent by the authority which curtails the affected privilege.

B. Economic:

On one hand, having no renewal would of course limit the cost of licence holders but the effect on competent authorities should be analysed. On the other hand, installing oversight activities during the re-issuance of a licence could relate to extra costs which in the end could increase the costs for the applicant.

1a) Do nothing.

No impact

1b) Same as Part-66 more precision

May have minimal negative impact due to a slight increase in administrative work for AML holder in recording his experience and negligible on the NAA for amendment of the form 26 (licence) on attrition basis only.

2c) Five year revalidation of type rating by NAA:

Negative impact for the holder for administrative work for compliance with the recency of experience requirements at each application (estimated at 2 hours per application), and to the NAA for the administrative work (estimated at between 1 and 2 hours per licence).

Regaining the type rating on the licence may incur more important time and cost to regain the type rating (additional course either in a 147 or a 145 or subpart F organisation or exam at the NAA). The cost for attending such courses must be born by the organisation or by the independent certifying staff.

2d) Five year review of licence and experience, checked by the NAA:

Negative impact for the holder for administrative work for compliance with the recency of experience requirements at each application (estimated at 2 hours per application), and to the NAA for the administrative work to inform the holder (estimated at between 1 and 2 hours per licence). Depending on the method used to inform the holder, the impact could be greater due to more time needed for the reactivation of the privileges.

	<p><u>C. Harmonisation:</u> Clear harmonisation would require making a clear definition of what shall be the records of experience.</p> <p><u>1a) Do nothing:</u> No impact.</p> <p><u>1b) Same as Part-66 more precision</u> Small positive impact through further clarification of maintenance experience and requirement of log-books or equivalent data.</p> <p><u>2c) Five year revalidation of type rating by NAA:</u> Positive impact because of more standardised methods.</p> <p><u>2d) Five year review of licence and experience, checked by the NAA</u> Small positive impact because methods would be standardised.</p> <p><u>D. Environmental:</u> None.</p> <p><u>E. Social</u></p> <p><u>1a) Do nothing:</u> No impact.</p> <p><u>1b) Same as Part-66 more precision:</u> No impact.</p> <p><u>2c) Five year revalidation of type rating by NAA:</u> Large negative impact as the holder would lose his type ratings and restrict his work prospects. Positive impact as it may be felt more secure that all licences are checked at renewal.</p> <p><u>2d) Five year review of licence and experience, checked by the NAA:</u> Negative impact as the holder would lose his privileges and restrict his work prospects to a lesser degree. Small positive impact as the public would appreciate that some licences are checked at renewal.</p> <p><u>F. Other aviation requirements outside the EASA scope, such as security, ATM, airports, etc.:</u> None.</p>
d. Consultation	<p><u>Results of consultation in preparation of the RIA:</u> None.</p>
e. Summary and Final Assessment	<p><u>i. Comparison of the positive and negative impacts for each option evaluated:</u> Refer to the Table of RIA results hereafter.</p> <p><u>ii. A summary of who would be affected by these impacts and issues of equity and fairness:</u></p>

	<p>Certifying staff and National Aviation Authorities.</p> <p><u>iii. Final assessment and recommendation of a preferred option:</u> The preferred option is option 1b: No change in Part-66, with additional AMC to define the requirement on continuous experience.</p>
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TABLE OF RIA RESULTS

- 2 = negative impact
-1 = small negative impact
0 = no impact
+1 = small positive impact
+2 = positive impact

	1a	1b	2c	2d
Safety	0	+2	+1	+1
Economic	0	0	-2	-1
Harmonisation	0	+1	+2	0
Environmental	0	0	0	0
Social	0	0	-2	-1
Summary	0	+3	-1	-1

The Agency agreed that the final option retained would be **1b: Same licence as in Part-66 except that the AMC would be more precise on continuous experience requirements, with additional AMC material in order to keep records of certification or log-book.**

A new paragraph AMC 66.B.500 is added to clarify that the competent authority has the possibility to require the licence holder for documentary evidence of compliance of the licence to Part-66, in order to verify the conditions established in 66.B.500.

Option 1b does address the concern raised in paragraph a.i. of the RIA, however instead of adding controls, it is aiming at improving awareness and standardisation. The final decision for modifying the text was to provide more detailed AMC material to improve compliance, and hence safety.

A wish was raised to modify also the licence template form 26, by adding on page 2 of the licence a paragraph to improve awareness of certifying staff with regard to continued validity of the privileges. As this modification is not directly linked with the concern raised in the Terms of Reference, the Agency agreed that such change could be introduced at a further opportunity of an Opinion for amending Part-66. This applies also to the possibility of adding a similar statement on Form 19.