EASA

Comment Response Tool

Title	"Operational Suitability Certificate" and " Safety Directives"
NPA Number	NPA 2009-01

UK CAA (UK CAA, European.Affairs@caa.co.uk) has placed **6** reactions on this NPA:

NPA Page(s)	Reaction to	Reaction	Attachments
0	(general reactions)	**General – Comment Response Summary** **Comment:** Although it is appreciated that individual responses to all comments made on NPA 2009-01 would be impractical, the responses provided in the CRD do not appear to address all topics. We refer to comment number 166 which identifies a potential significant impact on the transfer of older aircraft types between EU operators, or import of those aircraft types, if there is no approved MMEL element in the OSD (catch-up is voluntary for types no longer in production). Operators may be more likely to opt for another aircraft type than go through the process of generating and obtaining an EASA MMEL. This view appears to be supported by additional comments (629, 876 & 928). In this instance we would be most grateful if you would provide additional information to address the comment above as this is an important point that requires clarification.	
0	(general reactions)	**Page No:** 13 **Paragraph No:** Section 12 **Comment:** At the foot of page 13 it states that an SD has three different purposes. The first imposes a change "to the users of the aircraft type". The second is issued directly to operators. The third is a general measure issued directly to the users of the affected aircraft type. The distinction between these is not clear. **Justification:** Clarification	
0	(general reactions)	**Page No:** 14 **Paragraph No:** Penultimate paragraph. *"In existing European legislation related to Air Traffic Management/Air Navigation Services14 the term "Safety Directive" is already used. .... In order to avoid confusion with the concept behind that term the Agency decided to change the term Safety Directive in the context of Part 21 into "Safety Enhancement Directive". While acknowledging the fact that the term Safety*	

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		Directive (SD) already exists with the appropriate meaning within ATM/ANS domain, the Agency is of the opinion that in order to align this term in all aviation domains the term SD should be used as general term for enhancing and restoring the level of safety and in ATM/ANS domain it should be re-named 'safety ATM/ANS directive'". **Comment:** The proposal to introduce the term 'Safety ATM/ANS Directive' is too important to be buried in supporting narrative within a CRD addressing Parts 21 and M. UK CAA considers that a full discussion by all parties, including stakeholders, is required to achieve a clear agreement on the use of the term Safety Directive and any variants across all domains. Hence, UK CAA does not agree that the term 'Safety Directive' needs to be changed for ATM/ANS purposes to 'Safety ATM/ANS Directive'. Such a cumbersome change would be unnecessary and we understand has also been rejected by expert members of the ATM004 drafting group. Therefore, UK CAA considers that this concept should not be carried forward into the supporting narrative within the associated EASA Opinion. **Justification:** The argument presented by the Agency in this CRD for retrospectively changing the use of this well-understood term which is already part of European Legislation does not follow logically from the perceived need to provide some differentiation between forms of SD.	
0	(general reactions)	**Page No:** 18 **Paragraph No:** Article 1.1 **Comment:** Article 1.1 – typo "principle" **Justification:** Correction **Proposed Text:** principal	
0	(general reactions)	**Page No:** 23 **Paragraph No:** 21A.15(d)2 **Comment:** The text could be drafted with more clarity to emphasise the important elements. **Justification:** Clarification **Proposed Text:** "2 the *composition* ~~definition of scope~~ of the aircraft validation source data	

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0	(general reactions)	*(e.g. a proposed Validation Data Roadmap (VDR) or equivalent document)* to support *the objective element of* the ~~objective~~ qualification of simulator(s) associated to the pilot type rating training, or provisional data to support their interim qualification;"	
		Page No: 39 **Paragraph No:** AMC No. 2 to 21A.3B (b) **Comment:** This sets out the factors to be considered by the Agency when assessing whether an unsafe condition exists. It contains a note that there may be other cases where the agency may issue an airworthiness directive. If the agency wishes to issue an AD in circumstances not covered by this MOC, is it obliged to develop an alternative means of compliance?	

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